



July 1, 2013

REGULAR CITY COUNCIL MEETING

5:00 p.m.

130 E. 5TH STREET

Tifton Municipal Courtroom

TIFTON, GEORGIA

CITY OF TIFTON
July 1, 2013
TIFTON MUNICIPAL COURTROOM
Regular City Council Meeting
5:00 p.m.

PUBLIC HEARING

Blanket Rezoning in Conjunction with the Current Land Development Code (ZA13-000-003)

BILL MARSH OF COLONY BANK REGARDING PROJECT AT 2ND & CENTRAL

CALL TO ORDER

PRAYER AND PLEDGE

APPROVAL OF COUNCIL AGENDA

EMPLOYEE OF THE MONTH PRESENTATION

CITIZEN INPUT

APPROVAL OF MINUTES

1. Approval of minutes of June 3rd Regular Meeting, June 13th Budget Presentation, June 19th Workshop, June 20th Noon Public Hearing, June 20th, 5:00 p.m. Public Hearing, Regular Workshop and 6:30 Public Hearing, and the June 26th Called Workshop.

CONSENT AGENDA

2. Award of bid for Myon Rehabilitation Project to Anderson Construction Company of Fort Gaines
3. Resolution providing for Policies & Procedures for CDBG Property Easement Acquisition
4. Resolution providing for notice of election
5. Resolution providing for Alcoholic Beverage License for A-1 Food Mart located at 1005 E. 12th Street
6. Resolution providing for Alcoholic Beverage License for Taqueria "Del Sol" Restaurant located at 728 E. 5th Street

7. Resolution providing for Alcoholic Beverage License for Sam's Grocery & Grill located at 1405
8. Resolution providing for Alcoholic Beverage License for Verona's Italian Restaurant & Pizzeria located at 212 Main Street
9. Ordinance providing for use of Motorized Carts
10. Ordinance establishing Policies & procedures for Unsafe Dwellings, Buildings, Structures, or Properties

ORDINANCES

11. Ordinance providing for map amendments in keeping with the Land Development Code

EXECUTIVE SESSION

12. Executive Session providing for Personnel, Real Estate, and/or Legal Matters (if needed)
13. Resolution providing for Executive Session

CITY OF TIFTON
Regular City Council Meeting Minutes
June 3, 2013
5:00 pm
Municipal Courtroom

ATTENDEES

J.G. "Jamie" Cater Jr., Mayor
Johnny Terrell, Vice Mayor
Marianna Keesee, Council Member
Chris Parrott, Council Member
Julie Smith, Council Member

Larry Riner, City Manager
Rob Wilmot, City Attorney
Rona Martin, City Clerk

CALL TO ORDER

Mayor Cater called the meeting to order at 5:03 p.m.

PRAYER AND PLEDGE

Councilmember Christopher Parrott led the prayer and pledge.

APPROVAL OF COUNCIL AGENDA

City Manager Larry Riner asked that Item #6 be moved directly under approval of the agenda. He stated we also have a request for a GICH letter, and stated Mr. Davenport is in attendance. Mayor Cater stated he would move it under Item #6. Councilmember Parrott moved, seconded by Councilmember Terrell and unanimously carried to approve the Council Agenda.

EMPLOYEE OF THE MONTH PRESENTATION

The employee of the month presentation was made to Tommy Dillard by Sanitation Superintendent Allen Craft. The letter of nomination stated the following: Tommy is one of our most faithful employees, he strives to complete his route in a productive manner, his loyalty is commendable as he is the 1st out of the gate and the last to come back in, he takes the initiative to jump in and help whenever he is needed, he demonstrates top notch customer service and he ensures his equipment is maintained at all times regardless of the time or weather. These qualities are why we feel Tommy Dillard would be best fit for the employee of the month. Mayor Cater presented him with a plaque for outstanding workmanship.

RESOLUTION PROVIDING FOR ONE DAY ALCOHOL PERMIT FOR BIKE RIDERS ACROSS GEORGIA EVENT AT THE GEORGIA AGRIRAMA

City Clerk Rona Martin stated this is a one day event permit request for today with the Tourism Association hosting the Bike Riders across Georgia (BRAG) at the Georgia Agrirama. She stated Mitch Williams is the alcohol caterer for the event. Councilmember Smith moved, seconded by Councilmember Parrott and unanimously carried to adopt a resolution providing for the event permit.

DISCUSSION AND AUTHORIZATION FOR CITY MANAGER TO SIGN A LETTER OF SUPPORT BY THE GEORGIA INITIATIVE FOR COMMUNITY HOUSING FOR THE

PROPOSED EXPANDED HOUSING PROJECT, THE GROVES, LOCATED ON RAINWATER ROAD

Mr. Riner stated Mitchell Davenport, developer, has requested a GICH letter of support for his project. He stated also this is a county project; we are the certifying agency for such letters. Mr. Davenport stated this is a 56 unit development for age 55 and over seniors, and is the second phase to a current property. He stated this will assist with the application to build housing for developers. He stated this will be an all electric property. Mayor Cater asked about the restriction on children. Mr. Davenport stated that one person has to be over the age of 55. Mr. Riner asked if the project is approved, will it be 4 years before there can be a City of Tifton project? Mr. Davenport stated this is by political jurisdiction and his project is actually in the County, so a city project will be eligible. Councilmember Keesee moved, seconded by Councilmember Parrott to authorize the City Manager to provide a GICH letter. Councilmember Smith asked if she should recuse herself, and her understanding was that if the City signed this letter, we would not be able to do one next year. She asked if she should recuse herself should she assist next year. Mr. Wilmot agreed she should. Mr. Wilmot stated we need to make sure of this, if it is a concern of Council. Councilmember Smith then recused herself and left the room. Councilmember Keesee amended her motion to issue the letter contingent on the fact that this would not disqualify an applicant for a project next year, seconded by Councilmember Parrott and unanimously carried. Mayor Cater asked about their moving into Tifton. Mr. Davenport stated they could be a part of Tifton via annexation.

DISCUSSION OF FLOODING ON WINDSOR DRIVE – KEITH SCHNEIDER

Mayor Cater stated he, Councilmember Keesee, Larry Riner, and Bert Crowe met with Mr. Schneider last Friday. Mr. Schneider, 1143 Windsor Drive stated he has more questions. He stated there is a flooding issue that has occurred since the housing (Cypress Ridge) project changed its layout. He stated he was told the original drawings had been destroyed by fire. He stated his back yard floods during a hard rain and enters his shed. He provided drawings of explanation and provided an overview. He stated the current berm will not resolve the issue. He explained his concerns for future development as well. He stated that a swale, at least, needs to be put on the back of the property to deter the water. He discussed developer violations. He stated this will get worse if not resolved. Mr. Riner stated he met with you all Friday and Mr. Lindsey Friday afternoon. He explained the existing area. He stated there is a berm. He pulled the area photography that was flown in 2003. He understood from Mr. Schneider, the pond has already been filled in by that time. He stated he has since met with the Schneider's and could not locate any damage or the ditch being stopped up, and stated staff has also looked at it today. He stated he does not know the solution at this time. Mr. Schneider stated the berm is not sufficient enough. Mr. Riner stated this issue cannot be resolved without a topography map. Mr. Schneider stated the original plans showed the pond. He stated this is recognized as a wetland but not designated a wetland. Mr. Riner stated we will continue to work on the problem. He stated Mr. Lindsey has agreed to allow us to do whatever needs to be done. Councilmember Keesee asked if the swale would work if homes are built. Mr. Schneider stated he felt it would. Councilmember Smith asked if we would be just shifting the problem if a swale is put in. Mr. Riner stated no, it would not. Mr. Riner stated we will continue to work on the problem and try to find a solution. Mr. Riner stated it should take three or four weeks, possibly by the end of June. Mr. Schneider stated the solution is simple; put in a swale, restore the pond, put the park back as agreed upon. Mr. Schneider stated he would like once again, to see the original plan.

UPDATE ON CITY OF TIFTON RETIREMENT PLAN – RICHARD MOONEY & CHUCK CARR

Mr. Carr of Southern Actuarial Services provided a handout of the Actuarial Valuation of the Retirement Plan as of July 1, 2012. He stated the primary purpose of this report is to provide a summary of the funded status of the plan and determines what the City will have to contribute to the plan as of FY2014.

He reviewed the plan freeze which took place in 2010 with additional benefits not accruing either. He stated this was done due to the expensive cost of the plan. He stated the City still makes an annual contribution as the plan is not fully funded. He stated there is \$29,000,000 of total liability. He stated there is currently about \$16,000,000 in the plan. He explained the payout of the plan. He stated the City's balance on the past due payments is about \$221,000, which is very good, with payments being made ahead of schedule. He stated the City plans to pay this off in the near future. Mr. Riner stated this entire debt will be paid prior to June 30th of this year. He stated the other payment being made is the regularly scheduled contribution which is \$1.6 million for this year. He stated the amount for FY2014 is \$1.79 million and is a little higher because the required portion of the 3% COLA, as determined by legal counsel, has been included in the budget for FY2014. Discussion was held regarding earnings. He stated contributions rates have peaked over the past year and should be improving over the next few years. Councilmember Keesee asked about contracted employees. Mr. Carr stated this does not help as the plan is already frozen and anyone leaving today is pretty much vested and would draw the 2010 amount. He stated the intent is that this is not a permanent freeze, and ultimately will be returned in some form. He talked about the economy and its effect on the pension plan and other related matters. He stated the trend is changing, returns have come back, property values are returning.

Richard Mooney, of Allen, Mooney & Barnes, provided a power point review of the City's account activities. He reviewed a summary of the investment policy. He reviewed a chart of assets beginning in 1994 of \$3.3 to \$16.6 million as of April, 2013. He stated the value of the account has sustained an upward trend most of the way. He stated the average return from 2001 forward is 5.9%. He discussed stocks and bonds, fixed income, equities, etc. He discussed the maturity of the portfolio which averages about every 4 years. He discussed the economic summary. He discussed his company's partnership with the City of Tifton.

CITIZEN INPUT

Alton Pertilla, 507 W. 17th Street, stated he and a number of area citizens are very concerned about the community violence taking place in the area near Captain's Point Trailer Park. He stated there are shootings routinely in that area. He stated the violence has increased lately. He stated a group of south side citizens have been discussing what they can do about this issue. He stated one of the things being considered is receipt of two security cameras on Old Omega Road. He stated they are going to meet with Congressman Austin Scott's office to request assistance in obtaining a grant for the security cameras. He stated at this time, they are not asking the City of anything, but rather, just providing information for the time being. He stated the trailers at Captain's Point have only about 15 occupied. He stated it serves as a haven for the miscreants.

APPROVAL OF MINUTES

Mayor Cater asked for a motion to approve the minutes as presented from the May 6, 2013 Regular Meeting, the May 16, 2013 Workshop/Called Meeting, and the May 21, 2013 Joint Tifton/Tift County Called Meeting. Councilmember Keesee moved, seconded by Councilmember Parrott and unanimously carried to approve the above minutes.

CONSENT AGENDA

Councilmember Parrott moved, seconded by Councilmember Smith and unanimously carried to approve the Consent Agenda as follows:

2. Rejection of bids for sound and lighting system at Tift Theatre

3. Resolution providing for Alcoholic Beverage License for Ria Mia Enterprises, LLC, dba Memories located at 2302 US Hwy. 41 N
4. Resolution providing for Alcoholic Beverage License for Miyo-Deep, LLC, dba "Lil Pantry" located at 1105 Ferrylake Road
5. Resolution to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax

OTHER BUSINESS

RECOGNITION AND PRESENTATION OF CERTIFICATES FOR THE FIRST GRADUATING CLASS OF THE CHARLES HOWELL ACADEMY OF PUBLIC SERVICE

Mayor Cater and Larry Riner presented certificates to Nathaniel Varnadoe, Eloise Styer, Charles Styer, Pathleyn Smith, Doug Smith, MarxAnn Myddelton, Angela Moore, Shane McBrayer, Warrior Manning, Jerry Hopwood, Jamie Hopwood, Sonda Heard, Carlos Heard, Warren Elder, James Davis, Barbara Davis, Ernest Carter, Donna Carter, Marvalene Brinson, and Mary Reese Bell.

The meeting was recessed at 6:30 p.m.

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LEGAL MATTERS

Councilmember Parrott moved, seconded by Councilmember Keesee and unanimously carried to enter into executive session to discuss legal matters.

Councilmember Smith moved, seconded by Councilmember Parrott and unanimously carried to come out of executive session.

RESOLUTION PROVIDING FOR EXECUTIVE SESSION

Councilmember Parrott moved, seconded by Councilmember Smith and unanimously carried to adopt a resolution providing for executive session.

Mr. Riner mentioned that Bill Moore of Conger Gas has approached the City to provide propane gas on our lawn equipment at no cost to the City, which would be \$12,000 to \$18,000 per year savings on gasoline.

He stated they are also in negotiations with Love Truck Stop to provide a natural gas filling station. He stated this is a \$2 million investment for them. He expected it will be several more months for this.

He stated monies will be moved this month to pay off the debt for the retirement plan.

Councilmember Keesee asked about the Myon Project. Mr. Riner gave an update on the Myon, stating this will be discussed at workshop. He stated estimated cost is about \$1.9 to \$2.2 million which completes Phase I and a large part of Phase III. Councilmember Smith asked that a press release be prepared for the workshop.

Councilmember Keesee asked about the meeting of the land development code signage. Mr. Wilmot stated there have been two meetings with HPC and business folks providing pertinent documents. He stated he is putting together the consensus of the group for consideration and discussion at the workshop in June. He explained what that consensus was for illumination and banners. He stated he was looking at incorporating the Salt Lake City guidelines into the City's guidelines. Mayor Cater stated he wants all business owners to be treated the same. He stated the historic district business owners should not have to go before the HPC for banners as long as they comply with the building code. Mr. Wilmot stated the Salt Lake City model allows banners in the historic district, but they should be appropriate to the historic district.

Councilmember Keesee stated she disagrees with Section 7.17 (a&b) of the Land Development Code. She stated scrolling signs should be allowed in the commercial district. Councilmember Parrott stated we need to make requirements easier for business owners. Mr. Wilmot stated we should review all of Chapter 7 of the LDC for changes.

There being no further business, the meeting was adjourned.

J.G. "Jamie" Cater, Jr., Mayor

Rona Martin, City Clerk

**AT A MEETING OF THE
CITY COUNCIL OF THE CITY OF TIFTON
HELD ON 6/3, 2013
A MOTION TO ENTER INTO EXECUTIVE SESSION**

Council member Parrott makes the following motion:

1. That City Council now enters into executive session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing the following:

(check all that apply)

- Legal Matters.
- Personnel Matters.
- Real Estate Matters.

That each member of this body, in open session, at the conclusion of such executive session, and consistent with the provisions of City of Tifton Resolution No. 99-66, either:

1. Execute the Affidavit, the form of which having been previously approved; or
2. Vote upon the Resolution, the form of which having been previously approved, to be followed by the execution of the above-referenced Affidavit by so many members of this Council that so desire,

all of which is in compliance with O.C.G.A. Section 50-14-4; thereby this body, by appropriate form of either Affidavit or Resolution/Affidavit, ratifying the actions of the Council taken in executive session and confirming that the subject matters of the closed session were within exceptions permitted by the Open Meetings law.

Council member Keesee seconds the motion.

Motion Approved

Those voting in favor of the motion for closure:

Council Members: *Jamie Cate, Johnny Terrell, Marianne Keesee
Chris Parrott, Julie Smith*

Those voting against the motion for closure:

Council Members:

AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths in the State of Georgia:

<u>Present</u>	<u>Absent</u>	
<u>✓</u>	_____	J. G. "Jamie" Cater, Jr.
<u>✓</u>	_____	Marianna G. Keesee
<u>✓</u>	_____	Christopher Parrott
<u>✓</u>	_____	Johnny Terrell
<u>✓</u>	_____	Julie Smith

Who, after being duly sworn, deposes and on oath states the following:

- I am a member of the Tifton City Council and I was present at a meeting of the City Council held on the 3rd day of June, 2013.
- That it was my understanding that O.C.G.A. Section 50-14-4(b) provides as follows:

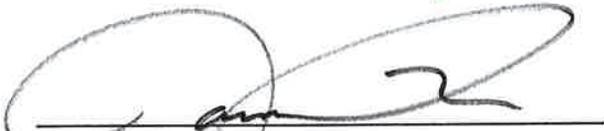
When any meeting of an agency is closed to the public pursuant to subsection (a) Of this Code section, the chairperson or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.
- The subject matter of the closed meeting or closed portion of the meeting held on the 3rd day of June, 2013, which was closed for the purpose(s) of:

- Legal Matters
- Personnel Matters
- Real Estate Matters

As allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

4. This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. Section 50-14-4(b) that such an affidavit be executed.
5. This affidavit is likewise executed by the following members of the City Council present at such executive session in support of open and honest government and in compliance with City of Tifton Resolution 99-66.

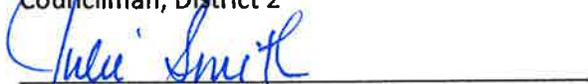
This 3rd day of June, 2013.


 J. G. "Jamie" Cater, Jr.
 Mayor, City of Tifton


 Marianna G. Keesee
 Councilwoman, District 1


 Christopher Parrott
 Councilman, District 2


 Johnny Terrell
 Councilman, District 3


 Julie Smith
 Councilwoman, District 4

Sworn to and subscribed before me
 By all City Council members
 on this 3rd day of
June, 2013.


 Notary Public



CITY OF TIFTON
Fiscal Year 2014 Budget Presentation
June 13, 2013
5:00 pm
Tifton Municipal Courtroom
130 E. 5th Street

ATTENDEES

J.G. "Jamie" Cater Jr., Mayor
Johnny Terrell, Vice Mayor
Marianna Keesee, Council Member
Chris Parrott, Council Member
Julie Smith, Council Member

Larry Riner, City Manager
Rob Wilmot, City Attorney
Rona Martin, City Clerk

Mayor Jamie Cater called the meeting to order at 5:00 p.m.

Larry Riner, City Manager, stated this is not a public hearing, but rather a presentation to Council. He stated budget books will be provided at the end of the presentation. He stated lower rates have been found for the airport obligation at 2.15%, the CityNet debt is being reduced to 3.25% and from a 20 year note to a five year note. He stated we intend to retire that debt in 36 months. He explained how that would take place. He stated the balance of the \$1.5 million will be found in concert with the refinancing. He stated the proposed budget includes a \$2.7 million increase which is actual personnel costs. He stated discussion will be about the General Fund. He stated the budget is balanced with a proposed 3mill tax increase. He stated there is a decrease in intergovernmental revenue, decrease in fund balance. He discussed the UGA Salary Study, fully staffing the Police Department, removal of the bandwidth amortization cost, funding for fire, police, and public works capital improvements. He discussed upgrades to the radio system for E-911 and new radios for police and fire. He reviewed the general fund statement of revenues, expenditures and changes in fund balance since FY 2005. He discussed transfers from other funds that have taken place in previous years and reminded Council that there are no longer funds available to transfer into the general fund. He reviewed the millage rates for previous years. He discussed the revenue sources. He discussed the tax digest. He discussed the expenditures of the general fund. He discussed the retirement fund and existing debt stating the balance of \$221,000 will be paid off this year. He discussed the ad valorem revenues, and local option sales tax. He discussed gas fund transfers done in the past. He discussed additional measures Council has taken. He reviewed the current tax digest and 5 year history of levy since 2004. He stated a three mill millage rate is being recommended this year. He stated staffing, retirement, and the UGA pay and compensation plan will still not be addressed. He discussed the cost of a three mill increase to the citizenry. He discussed cuts that will be made if the millage rate is not increased. He discussed the police department workforce. He reviewed the schedule of dates for the public hearings on the millage rate and 2014 budget. He discussed possible options for the future of the retirement plan. He stated if all of the discussed cuts are made, the fund is still \$336,000 short. He stated in the general fund there is about \$1 million in capital equipment replacement, but, it is used from July-October of each year to operate the City until revenues begin to come in. He stated the City operates on these funds during that time. Mr. Riner asked if Council would like to sit with staff to review their budgets. He asked for questions.

Council Member Keesee and Parrott asked to meet with Mr. Riner once again. Council Member Keesee stated she will be looking for ways to reduce the budget, and that the retirement plan is critical and needs to be worked on, as well the UGA salary study. Council Member Smith asked if the proposed budget is adopted, will we have to borrow from other funds. Mr. Riner stated, without a millage rate increase, we will have to find \$336,000 in the general fund. She confirmed that 24 folks would have to be hired to fully staff the City departments. She confirmed that there are no increased benefits in this budget for staff. Mr. Riner stated that is true. She expressed her concern over losing knowledgeable employees and

recruiting prospective employees. Council Member Keesee stated that is not addressed in this proposed budget. Mayor Cater stated Jack Perry wanted to speak. Mr. Perry asked if there are any projections as to how these expenses are going. Mr. Riner stated in January, there will be five year projections done on expenses and revenues for everything. Councilmembers Parrott and Keesee stated they would meet with the city manager. After further discussion, it was determined that another work session should be held within the next week to continue Council discussion. Council Member Parrott asked again about the retirement fund and the \$700,000 needed. He asked if this could be handled in a two year phase to bring retirement back. Mr. Riner stated yes. A meeting was scheduled for Wednesday, June 19th, noon, at the TPD training room, to continue this discussion.

There being no further business, the meeting was adjourned.

J.G. "Jamie" Cater, Jr., Mayor

Rona Martin, City Clerk

CITY OF TIFTON
Called Council Workshop
June 19, 2013
12:00 pm
Training Room, Tifton Police Department
130 E. 5th Street

ATTENDEES

J.G. "Jamie" Cater Jr., Mayor

Larry Riner, City Manager

Johnny Terrell, Vice Mayor

Rob Wilmot, City Attorney

Marianna Keesee, Council Member

Rona Martin, City Clerk

Chris Parrott, Council Member

Julie Smith, Council Member

Mayor Jamie Cater called the meeting to order at 12:00 p.m.

Larry Riner, City Manager, reviewed the financial summary for the proposed budget, showing five scenarios for the proposed millage rate increase. He reviewed the proposed general fund revenues and expenditures at about \$12,700,000. Council Member Keesee asked about the funding for the radios. He stated the County is planning to pay for this out of SPLOST funds and will be further discussed at tomorrow's meeting. He stated the \$12,700,000 included a \$300,000 contingency, radio replacements, and capital debt. Discussion was held regarding the retirement figures. Discussion was held regarding future debt projections, paying off debt, and what to do when those debts are paid off. Mr. Riner asked Council to interject. Council Member Keesee stated she has expressed concern about a 3 mil tax increase, and as such is looking for ways to cut the budget. She stated one should spend what you make. She stated she would be willing to cut \$200,000 from contingency, the radio equipment, and buy 4 police cars instead of 8. She stated Christmas lights, the code enforcement positions, the paint machine, eliminate all training for Council and 1/3 of travel for council. She stated she would cut all theatre funding except hotel/motel. She stated she would cut the playground equipment, have fewer police officers (6) and cut the protection the city offers its citizens, and get more sheriff's protection for the city. She stated she would add \$721,000 for retirement phased in over two years. She stated she would support a one mil increase for the retirement plan. She supports the Plan "C" UGA study, but feels it cannot be included this year. She expressed her concern over the amount of tax exempt property in Tifton. She stated she is not willing to support a 3 mill increase that does nothing to restore the retirement plan as it the most crucial thing we can restore for our employees. Council Member Terrell stated he could not support police personnel cuts, and that we need to find the monies for it. Council Member Parrott stated his main concern while reviewing the budget was to be able to provide for the retirement and the COLA and as such he would support cutting \$200,000 from the contingency, \$150,000 from police and fire department radios. He would cut \$7,000 from the Tift Theatre, \$12,500 from playground equipment, and \$43,000 from code enforcement, totaling \$412,500. Mr. Riner asked about keeping the part time person in code enforcement and turning them into a full time person at an additional cost of about \$2,000. After discussion, they agreed. He stated he would add \$721,000 for retirement and \$215,000 for the UGA Plan "C" for a total of \$936,000. He stated Mr. Riner has said he would find \$360,000 in cuts, leaving a balance of \$198,000 needed to balance the budget. General discussion was held regarding these proposed cuts. Council Member Keesee left due to

a personal family matter. Council Member Smith asked about unanticipated revenues going toward the contingency fund, and if so, she would support cutting the contingency fund. She stated her priorities are for the retirement fund and one of the salary plans. She stated she would rely on the Finance Department for possible cuts. She supports Council Member Parrot's suggested cuts, she also agrees we cannot cut the Police Department budget. She stated the playground equipment, Tift Theatre general fund monies, code enforcement position, etc. would be ok to cut. She stated she has no issue with a 3 mil increase, in order to provide the level of service the community wants. She stated we have to fund the retirement and take care of our employees. Mayor Cater stated he is concerned about the employees, but has to look at this from the standpoint of the entire community. He stated his concern about raising taxes, and those on fixed incomes. He discussed the current employee circumstances and economy in general. He stated he is currently undecided as to whether he would support a millage increase. He asked that staff have the opportunity to speak. Mr. Riner stated a 3 mill increase on a senior is \$45 per year or \$3.75 per month on a \$100,000 home; with regular homestead exemption it is \$5.00 per month; and on the regular property owner, \$10 per month with no homestead exemption. He stated there are no more funds to transfer into the general fund to balance it. He stated in the general fund, there are 24 positions vacant due to lack of funds and it is beginning to show in the community. He reminded them of various position cuts that have taken place. He talked about the contingency and GASB 54 requirements as well as fund balance. Council Member Terrell stated he would favor a millage rate increase in order to fix these problems. Mayor Cater asked about increasing the millage rate, and as the economy improves, possibly reducing it over a period of time. Mr. Riner stated the millage rate can be adjusted every year during budget review. He stated we will be doing a midyear review of the budget. Council Member Smith asked for a monthly report of the budget. A general discussion was held about the economy. Mayor Cater stated he will not agree to cut the Council travel budget. Mr. Riner confirmed that everyone is in consensus as to the proposed cuts presented by Council Member Parrott, being: \$200,000 from contingency, \$150,000 from radios, \$7,000 from Tift Theatre, \$12,500 from playground equipment, and \$43,000 from Code Enforcement. Everyone stated yes. Council Member Smith asked about the compensation issue. Council Member Parrott stated he would like to see that done. Mr. Riner stated we would unfreeze retirement July 1st and do Plan "C" Compensation for personnel. Mayor Cater asked if this would help all employees and asked about a COLA. Mr. Riner explained Plan "C". Mayor Cater asked about a 3% COLA for everyone. Mrs. Love stated a 3% COLA would cost about \$340,000. Mr. Riner stated this does not address the problem. Mr. Wilmot reminded everyone of the public hearings regarding the millage rate and budget and the process. Mr. Riner explained some graphs put together for the history of the general fund transfers from the gas fund, hotel-motel fund, service fund, as well as current fuel costs, the retirement fund, and various insurance costs. Mayor Cater asked the employees if they wished to speak. A number of employees spoke including Lee Dunston, Tifton Police Department. He expressed the concerns he has for the department and thanked Council for their efforts for the employees. Chuck Hester, Building Maintenance, thanked everyone for their effort in trying to address the concerns of the employees. Dorminey McCrae, Police Department, stated the millage rate will not break the bank and should be properly explained to the citizens. He expressed his opinion of what was discussed today. Raymond Drennon, Police Department, expressed his concern over the ability to recruit and keep police staff because of the lack of benefits and incentives that were available. He stated the quality of applications are poor. He discussed previous incentives that were very attractive to prospective

applicants that are no longer available. He stated everyone is dealing with the same economy, but other communities are able to still offer something more attractive. Council Member Smith stated businesses are not going to locate where crime is a problem. Ricky Hobby, Solid Waste, stated we have to have the money to keep service going, and unfortunately everything is going up. He thanked them for what they are doing. Steven Henderson, IT, thanked them for working to fix the retirement and salary issues. Donna Pate thanked everyone for working on these issues. She talked about the gas fund issues. Discussion was held regarding the additional senior citizen tax exemption. Bert Crowe, Environmental Management, stated morale is going down because of the excessive workloads. He stated they have hung in there waiting on the economy to improve and the City to improve and that can only happen for so long. He stated the City has problems that have to be solved. Crystal Craft, Public Works, provided some stats of what is currently going on in the department. She stated there are a number of long term employees that are dedicated to the point of losing considerable vacation and sick time. She talked about the subpar work taking place due to the lack of help. She stated the employees are waiting to see what Council will do to help improve the situation.

There being no further business, the meeting was adjourned.

J.G. "Jamie" Cater, Jr., Mayor

Rona Martin, City Clerk

**CITY OF TIFTON
PUBLIC HEARING
Proposed Increase in the 2014 Millage Rate
June 20, 2013
12:00 pm
Tifton Municipal Courtroom**

ATTENDEES

J.G. "Jamie" Cater Jr., Mayor

Marianna Keesee, Council Member

Chris Parrott, Council Member

Julie Smith, Council Member

Larry Riner, City Manager

Rob Wilmot, City Attorney

Rona Martin, City Clerk

ABSENT

Johnny Terrell, Vice Mayor

Mayor Jamie Cater called the meeting to order at 12:00 p.m.

Attorney Rob Wilmot opened the public hearing for the purpose of receiving public input into the proposed millage rate increase. He asked Larry Riner, City Manager to review the budget, and discuss the millage rate increase. Mr. Riner gave a brief summary of the proposed budget stating the total budget is \$36,665,573 and a reduction of \$143,000 from the General Fund. He asked for a 3 mil increase in the millage rate equating to \$1,037,747. He stated the general fund is the only fund we will be discussing. He discussed the decrease in intergovernmental revenue, decrease use of fund balance, funding for the UGA Salary Study, removal of bandwidth amortization cost, funding for Fire and Police Capital Improvements, Debt for 8 equipped Police cars and a fire truck and debt for the Public Works Equipment. He discussed the General Fund Statement of Revenues, Expenditures and Changes in Fund Balance. He discussed the fund transfers used to balance the general fund. He reviewed the revenue sources for the general fund stating the proposed 3 mills is included. He discussed the expenditures of the General Fund such as Police, Fire, Public Works, Cemetery, Senior Center, Code Enforcement, Debt Service, etc. He discussed the ad valorem base stating it has been flat for several years. He discussed Local Option Sales Tax. He discussed gas fund transfers. He stated there have been millions of dollars transferred into the general fund from the gas fund. He stated we have also transferred funds from hotel/motel and service funds as well. He discussed the retirement fund. He discussed liability and workmen's comp costs. He discussed other measures taken to reduce costs. He stated staff duties continue to increase. He discussed the retirement plan. He discussed other staffing cuts. He discussed the right souring of the water wells and wastewater treatment plant. He discussed the millage rates since 1999. He reviewed the costs to a City resident to increase property taxes by 3 mills. He discussed options should the millage increase not be approved. He stated we will decrease the contingency completely, remove the demo & community clean up funds, removed the code enforcement positions, additional general fund cuts totaling \$336,000, and a reduction of hours in the police department for crime suppression operation. He reviewed the schedule of public hearings.

Mr. Wilmot invited public input. He stated Joe Courson and Crawford Little have signed up to speak. Mr. Courson, 2812 N. Park Avenue, asked if the Effectiveness & Efficiency Study recommendations have been addressed and which ones. Mr. Little, 40 Waterfront Street, asked about the E&E Study as well. He stated he knew a lot of the recommendations have been looked at. He urged to Council to take a long hard look at the recommendations. He asked if the increase is approved, where does that leave the City? Mr. Riner stated the retirement fund or UGA Study is not included. He elaborated on the retirement fund. Mr. Little asked Council to consider some type of sunset provision if the millage is increased when the obligations are reduced. He asked about privatization of the cemetery. Mr. Riner explained the possible takeover by ESG of the water distribution and sanitary sewer distribution systems. He mentioned the RFP on solid waste collections. He discussed the outsourcing of our engineer. He stated we will look at privatizing where it makes sense for the City to do so. He asked the City to continue to look for ways to save and bring in industry.

Mayor Cater closed the public hearing.

J.G. "Jamie" Cater, Jr., Mayor

Rona Martin, City Clerk

CITY OF TIFTON
Regular City Council Workshop/Called Meeting Minutes
June 20, 2013
5:00 pm
Leroy Rogers Senior Center
315 W. 2nd Street

ATTENDEES

J.G. "Jamie" Cater Jr., Mayor
Johnny Terrell, Vice Mayor
Marianna Keesee, Council Member
Chris Parrott, Council Member
Julie Smith, Council Member

Larry Riner, City Manager
Rob Wilmot, City Attorney
Rona Martin, City Clerk

Mayor Jamie Cater called the meeting to order.

PUBLIC HEARINGS

FY 2014 PROPOSED BUDGET

City Attorney Rob Wilmot opened the public hearing stating it was for the purpose of receiving public input on the FY 2014 Budget. He stated Mr. Riner will present the information followed by public input. He asked that anyone wishing to speak to sign in.

Mr. Riner stated this is a \$2,797,173 increase in the budget, of which \$143,841 is in the general fund. He stated this discussion will be about the General Fund only as the other funds are enterprise funds. He stated this includes a three mill increase at \$1,037,000. He stated this is a decrease in intergovernmental revenue, decrease use of fund balance, funding to fully staff the Police Department, removal of bandwidth amortization cost, funding for fire and police capital improvements, debt for eight equipped police cars and a fire truck, and debt service for public works equipment. He stated the budget is available for viewing at City Hall. He reviewed the General Fund Statement of Revenues, Expenditures, and Changes in Fund Balance. He stated it is important understand the transfers from other funds used in order to balance the budget. He stated there are no longer monies available in those funds (gas, etc.). He discussed the sources of revenue for the General Fund. He explained the expenses in the General Fund. He discussed the ad valorem tax base for the past several years as well as the LOST collections. He stated they have both been flat for several years. He discussed gas fund, service fund, and hotel/motel tax fund transfers and reminded everyone that there are no longer funds available to transfer. He discussed additional measures previously taken by Council. He discussed the reduction in workforce. He discussed the excessive cost of retirement and insurances. He discussed fuel costs to the City. He stated these are fixed cumulative costs that have to be incurred. He reviewed the tax digest and 5 year history of levy since 2004. He explained the costs to the citizenry should the millage increase be approved. He discussed cuts that will be made if the millage rate is not increased. They are: delete contingency funds of \$300,000; cut demo & community cleanup, \$60,000; remove code enforcement position, \$45,000; additional general fund cost totaling \$336,000; reduce hours for crime suppression operation. He reviewed the schedule of public hearings for the adoption of the budget and millage rate.

Attorney Wilmot opened the floor for discussion. No one from the public spoke.

FY 2013 EDWARD BYRNE MEMORIAL JAG GRANT

Police Chief, Buddy Dowdy stated the Police Department has received a Justice Assistance Grant (JAG). He stated the JAG grant will be worth \$13,617 to be used for extra patrol in high crime areas. He stated

they have received the grant since 2008. Mr. Wilmot asked for public comment. No one spoke. The public hearing was closed.

REGULAR COUNCIL WORKSHOP

REPORT ON BIDS FOR MYON REHABILITATION PROJECT – COURTNEY SWANN

Courtney Swann of Lord, Aeck & Sargent reviewed the bids for the Myon Project stating there were five bids ranging from \$2.1 million to \$2.9 million. He stated the lowest bid was \$2,164,991. He stated there was additional work included in this bid that was for Phase III and required to be able to remove some of the mechanical systems. He stated this is a combined total completion of Phases I & III work included for what was estimated at the Phase I costs. He discussed the alternate options in the bid package. He stated the contract time is for 365 days. He stated there is a \$300,000 contingency in the bid. He stated references for Anderson Construction Company and there were no negative comments and contacts would use them again for additional work. He stated bids are good for 60 days. He stated exterior improvements will be a new roof and sky light, as well as the bulge on the back brick wall as well as excavation on the drive in wall side to stop water leakage. Mr. Riner stated this is almost two complete phases for the price of one. Mr. Swann stated the contractor is prepared to begin work and was told possibly August 1st. Council Member Keesee asked where the money was going to come from. Mr. Riner stated we probably have about \$800,000 to \$1,000,000 and may have to borrow the additional funds.

UPDATE BY TOURISM ASSOCIATION – TYRON SPEARMAN

Tyron Spearman gave an update of the activities of the Tourism Association. He discussed the board membership. He stated the hotel/motel tax of 2% received by the association is about \$290,000 or about 4.5% increase. He reviewed the proposed budget for the year. He discussed various events supported by the association. He discussed activities with other area agencies working on tourism related events. He stated this year's budget is \$341,000. He discussed expenditures of the budget. He discussed various groups supported by the association. Mayor Cater thanked him for the update and work of the association. General discussion was held about the economy.

DISCUSSION OF TRAFFIC AT THE CORNER OF 4TH & RIDGE – JONATHAN HALSTEAD

Jonathan Halstead stated the intersection of 4th and Ridge Avenue has had two recent accidents, where one cannot see the stop sign. He stated the parking situation makes it harder to see traffic coming as well as trees making it difficult to see. He stated some of the parking spaces are not properly marked. He talked about proper remedies. He asked about a four way stop or flashing light. He asked about the grassy area between the two ball fields and the area at City Hall which could eliminate some parking on the streets. Council Member Smith stated there are problems in the whole area with no stoppage and people driving fast. Mr. Riner stated the traffic engineer is restriping the area for legal parking spaces and check on the site distance for stop signs. He stated the intersection of 6th and Central will be looked at also. Council Member Smith asked about use of speed breakers and stop signs on both sides of the street suggested by Mark Peterman.

DISCUSSION OF MAP AMENDMENTS IN KEEPING WITH THE LAND DEVELOPMENT CODE

Bert Crowe stated this is the second round of blanket changes in the zoning map due to changes created by the adoption of the Land Development Code. He stated the changes will correct several zoning inconsistencies created by the current LDC. He stated the changes have been reviewed and approved by the Planning and Zoning Commission.

DISCUSSION OF POLICIES & PROCEDURES FOR CDBG PROPERTY EASEMENT ACQUISITION

Attorney Rob Wilmot stated this is a request for adoption of policies and procedures for acquisition of real property when federal funding is involved. He stated this requires us to comply with certain regulations when acquiring real property. He discussed some of the requirements. He stated these just outline the process for acquiring the properties.

DISCUSSION OF GOLF CART ORDINANCE

Attorney Rob Wilmot reminded everyone of previous action taken regarding golf carts. He stated the legislation went through the general assembly and the governor has signed such regarding the signage requirements. He stated we can now adopt the motorized carts ordinance. He stated we will need to put up the signage at the main entries into the City and also get with the GDOT relative to crossings on City highways. He stated Mr. Riner has stated the signage will be done quickly and have folks back on the road. He stated this is for approval in July. He stated there may be state revisions again next year to this topic.

DISCUSSION OF ORDINANCE REGARDING UNSAFE BUILDINGS

Mr. Wilmot stated this ordinance makes revisions based on state law. He stated the process one goes through have changed from City Manager to Municipal Court. He stated these are actions against a property instead of a person. He stated this puts the duties on the tax commissioner to see that any liens are actually collected. He stated this is a new state law for foreclosing, establishing and enforcement of the ordinance on unsafe buildings. He explained the process that would be followed. He stated it provides for up to three years for securing the building.

DISCUSSION OF GDOT TITLE VI COMPLIANCE & ASSURANCES

Larry Riner stated that anyone who now receives federal funding requires them to sign an agreement assuring them that we will not discriminate against anyone who falls under the discriminatory laws. He stated this agreement will have to be signed in order to continue receiving federal funding. He stated this will be on the agenda for June 28th.

NOTIFICATION OF PRICE INCREASE FOR LABORATORY SERVICES AT THE TREATMENT PLANT

Mr. Riner reviewed the price increase for laboratory testing services available at the treatment plant. He stated we are woefully underfunded for the cost of providing this service.

RESOLUTION PROVIDING FOR REFINANCING OF THE FIRST COMMUNITY BANK TELECOMMUNICATIONS LOAN

Lois Love, Finance Director stated we are proposing a refinancing of the telecommunications loan at a lower interest rate and time which will lower the City's total obligation for the loan. She stated 1st Community Bank has agreed to finance the loan at 3.25% for five years, and possible three years. She stated we also plan to continue to allocate for the regular annual payment.

RESOLUTION UTILITIZING EXISTING CASH TO PAY OFF THE REMAINING UNFUNDED RETIREMENT LIABILITY IN FY 2013

Ms. Love stated this request is to pay off the remaining unfunded retirement liability of \$211,000 for fiscal year 2013. She stated this will give us a fresh slate to plan for the retirement. She stated the money is set aside to pay this off.

RESOLUTION COMMITTING FUND BALANCE IN ACCORDANCE WITH GASB54

Ms. Love stated this is a 2011 GASB requirement. She stated this a requirement of GASB 54 and asked for approval of the Fund Balance Policy in Accordance with GASB 54.

MOTION TO AMEND QUALIFYING FEES ORIGINALLY SET AT \$225.00 TO \$239.43

This item was removed from the agenda as the qualifying fees of \$225.00 are correct.

RESOLUTION PROVIDING FOR NOTICE OF ELECTION

Rona Martin, City Clerk, stated a resolution is to be adopted for the notice of election and will be on the agenda for July 1st. She stated the qualifying dates are August 26th beginning at 8:30 a.m. and ending August 30th at 4:30 p.m.

RESOLUTION PROVIDING FOR ALCOHOLIC BEVERAGE LICENSE FOR A-1 FOOD MART LOCATED AT 1005 E. 12TH STREET

Ms. Martin stated there are four alcoholic beverage license requests and three are new. She stated none of those owners or managers have anything negative in their background and thus recommends approval of A-1 Food Mart, Sam's Grocery & Grill, Verona's Italian Restaurant & Pizzeria. She stated the request from Taqueria Del Sol is for an addition of distilled spirits. She recommended approval of all four resolutions.

RESOLUTION PROVIDING FOR ALCOHOLIC BEVERAGE LICENSE FOR TAQUERIA "DEL SOL" RESTAURANT LOCATED AT 728 E. 5TH STREET

See above request for ABL for A-1 Food Mart.

RESOLUTION PROVIDING FOR ALCOHOLIC BEVERAGE LICENSE FOR SAM'S GROCERY & GRILL LOCATED AT 1405 US HWY. 41 N.

See above request for ABL for A-l Food Mart.

RESOLUTION PROVIDING FOR ALCOHOLIC BEVERAGE LICENSE FOR VERONA'S ITALIAN RESTAURANT & PIZZERIA LOCATED AT 212 MAIN STREET

See above request for ABL for A-l Food Mart.

BOARD REPORT

Ms. Martin reminded Council of the need to fill a vacancy on the Tree Board, Keep Tift Beautiful, the Historic Preservation Commission and the Library Board. She stated a request to receive an application for the HPC Board was obtained and returned to Mary Glynn Hendricks for Kim Colwell. It has not yet been returned.

PUBLIC HEARING

PROPOSED INCREASE IN THE FY2014 MILLAGE RATE

Attorney Wilmot explained this was a public hearing to receive citizen input regarding the proposed increase in the 2014 millage rate. He explained the process and asked anyone wanting to speak to sign in.

Mr. Riner stated this is an 8.3% or \$2,797,173 increase in the budget, of which \$143,841 or 1.2% is in the general fund. He stated this includes a three mill increase at \$1,037,000. He stated this discussion will be about the General Fund only as the other funds are enterprise funds. He stated this includes a decrease in intergovernmental revenue, decrease use of fund balance, funding for UGA salary will not be included, funding to fully staff the Police Department, removal of bandwidth amortization cost, funding for fire and police capital improvements, debt for eight equipped police cars and a fire truck, and debt service for public works equipment. He stated the budget is available for viewing at City Hall. He reviewed the General Fund Revenues, and Expenditures. He stated it is important to understand the transfers from other funds used in order to balance the budget. He stated there are no longer monies available in those funds (gas, etc.). He discussed the sources of revenue for the General Fund. He explained the expenses in the General Fund. He discussed the ad valorem tax base for the past several years as well as the LOST collections. He stated they have both been flat for several years. He discussed gas fund, service fund, and hotel/motel tax fund transfers and reminded everyone that there are no longer funds available to transfer. He discussed additional measures previously taken by Council. He discussed the reduction in workforce. He stated the workforce has been reduced by 64 positions. He discussed the excessive cost of retirement and insurances. He stated retirement is not funded in this budget. He discussed fuel costs to the City. He stated these are fixed cumulative costs that have to be incurred. He reviewed the tax digest and 5 year history of levy since 2004. He explained the costs to the citizenry should the millage increase be approved. He discussed cuts that will be made if the millage rate is not increased. They are: delete contingency funds of \$300,000; cut demo & community cleanup, \$60,000; remove code enforcement position, \$45,000; additional general fund costs totaling \$336,000; reduce hours for crime suppression operation. He reviewed the schedule of public hearings to provide for the adoption of the budget and millage rate. He stated the next public hearing will be held on June 28th at 5:00 p.m. in the municipal courtroom.

Sarah Dorman, 4436 US Hwy. 319 S., property owner of 704 E. 8th Street, asked if a copy of the budget is available. Mr. Riner stated it is at City Hall and on the website. She stated they have no exemptions, and she and her husband are retired, living on a fixed income, however, she understood that employees and operation of the City has to take place. She asked how many employees would be reduced if additional outsourcing takes place and how much would it reduce the budget. She understood the need to fully fund the police department because of where her property is located and problems there. She asked about infrastructure needs and outsourcing of the water system. She asked what happens to the equipment, etc. She asked about the mailing of water bills from Columbus. She asked what would happen if the outsourcing does not work. She talked about the landfill being outsourced. She expressed concern about having upper management. Mr. Riner stated the landfill would not be outsourced, only collection and distribution. He stated anytime the City can outsource a service that can be better provided for in the private sector, it should be done. He talked about ESG and it's success so far. He invited her to attend the CHAPS classes to learn about city government.

There being no further business, the meeting was adjourned.

CALLED MEETING

EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS

Councilmember Smith moved, seconded by Councilmember Keesee and unanimously carried to enter into Executive Session for the purpose of discussing Legal Matters.

Councilmember Parrott moved, seconded by Councilmember Smith and unanimously carried to come out of Executive Session.

RESOLUTION PROVIDING FOR EXECUTIVE SESSION

Councilmember Keesee moved, seconded by Councilmember Parrott and unanimously carried to adopt a Resolution providing for Executive Session.

J.G. "Jamie" Cater, Jr., Mayor

Rona Martin, City Clerk

CITY OF TIFTON
Special Called Workshop
June 26, 2013
10:00 a.m.
Tifton Police Department Training Room
Commerce Way

ATTENDEES

J.G. "Jamie" Cater Jr., Mayor
Johnny Terrell, Vice Mayor
Marianna Keesee, Council Member
Chris Parrott, Council Member
Julie Smith, Council Member

Larry Riner, City Manager
Rob Wilmot, City Attorney
Rona Martin, City Clerk
Lois Love, Finance Director

Mayor Jamie Cater called the meeting to order.

DISCUSSION OF THE FY 2014 PROPOSED BUDGET

Mr. Riner gave an update to Council on the latest changes to the proposed budget as requested by them. He discussed ad valorem taxes for the past several years. He discussed LOST collections from 2004. He talked about the previous gas fund transfers, etc. He discussed the history of the retirement fund and what it would take to unfreeze it. He discussed liability and workmen's compensation insurance costs currently at \$850,000. He discussed fuel costs. He discussed health insurance costs. He discussed payroll for the City going from a high of \$9.5 million to \$7.4 million, including benefits, it equates to a \$3 million reduction. Council Member Smith asked about training and what is being done to decrease liability. Mr. Riner stated we are doing everything possible to reduce the worker's comp liability. Council Member Smith stated employees are taking home less money because of the rise in costs for insurance, FICA, etc. He asked Ms. Love to review the changes to the general fund revenues and expenses that Council requested on June 19th. She provided a sheet of preliminary numbers and what was recommended on 6/19/13. She stated the contingency was cut by \$200,000, delayed radio replacements for one year at \$100,000, delayed the playground equipment at \$12,500 for one year. She stated the code enforcement officer was removed at \$43,000 and decreased the general fund portion of the Tift Theatre at \$6,944. She stated this reduction is \$362,444. She stated the \$50,000 for fire had already been taken out of the budget. She stated they added back the classification and compensation study at \$255,000 (less the enterprise funds) and the unfreezing of the retirement plan at \$452,000 for the general fund portion. She stated this is a \$1.278 million deficit at the current millage rate. She stated this takes care of the requested reductions. She stated the next spreadsheet adds to Council's numbers. She stated the changes on 6/19 have been added to. She stated \$5,000 for elections in November has been added, reduced general government by \$370,920, delayed police radios and 4 units w/equipment at \$128,000, delayed purchase of playground equipment one year & other equipment at \$55,527, reduced code enforcement by \$46,350 for employee position, and reduced the Tift Theatre by \$6,944 for total reductions at \$602,741. She stated they added back the general fund portion of the retirement funds at \$452,000 and the UGA compensation study at \$255,000 for a total deficit of \$1.04 million which equates to a 3 mill increase. Mr. Riner stated this is staff's understanding of what was requested of them. He asked for additional concerns. Council Members commended staff for their work. Council Member Smith stated this fully staffs the Police Department, we would have retirement, a pay increase, and be in a good position to attract quality folks. Council Member Keesee asked about the DDA funding. Mr. Riner stated DDA will be funded at the same level of last year at \$69,122. Ms. Love stated this does not include the theatre. Council Member Keesee asked about a midterm adjustment for the pay study. Mr. Riner stated it would be reduced to about \$127,500. Mr. Riner confirmed that this will be the budget presented at the public hearing on Friday, June 28th. Council Member Smith made a plea to Council to raise the millage rate by 3 mills. She

stated this is a very difficult thing, but a great concern of hers is economic development for Tifton. She stated we are in competition with many other communities in bringing in new businesses. She stated prospective businesses look at the crime rate, fiscal responsibilities of the governments, attractiveness of the community, quality of life, the ability of the community to grow, etc. She stated we need to set the example when running the city. She stated we need talented employees and the ability to keep them. She stated the role of city government is public safety and public works, and our citizens need to be taken care of. She stated Tifton used to set the bar for a clean community and right now it looks horrible. She asked for everyone to stand united for a three mill increase. She thanked the staff who have continued to stay with the city. She stated, the citizenry wants a strong police and fire department and a clean community. She strongly encouraged them to raise the rate. Council Member Terrell stated people in his district are moving because of the crime rate and no new people are coming into his district. He stated we have to do something and if we do not do it today we will be back here next year doing the same thing. He stated we will not attract anyone, and we will not be able to keep staff, we cannot keep doing the same things. He stated he is in agreement with Julie and we need to increase the rate by three mills. Council Member Smith stated with monthly or quarterly report, we will be better able to do projections and planning and possibly roll the millage rate back one day. Mr. Riner stated the millage rate can be addressed every year when the budget is being prepared. He stated we cannot continue to operate in the red. He stated we have to have the resources to do our jobs. He stated we have made many cuts, reduced staff, not purchased equipment and cannot continue to do so. Mayor Cater stated everyone across the state is hurting. He stated he does not know if he is ready for a three mill increase. Mr. Riner once again, reviewed the cost to the citizens if the increase takes place. He stated if he does vote on any kind of tax increase there would be a sunset. Mr. Riner stated that the millage rate has to be looked at yearly. Mr. Wilmot stated that cannot be done. Mayor Cater asked about a statement. Mr. Wilmot confirmed one could make a statement that it would be a goal. Council Member Smith once again discussed the current condition of our community and how it looks to new comers. Mr. Riner stated this is the budget that will be presented on Friday, June 28th.

Mr. Wilmot stated the process for Friday's meeting. Mr. Riner stated any changes should be during the discussion portion of the motion. Mr. Riner stated we need three mills to stop the bleeding. Council Member Terrell stated the recent shootings all happened in his district and if we do not get more police officers, the shootings will move into other areas.

There being no further business, the meeting adjourned.

J.G. "Jamie" Cater, Jr., Mayor

Rona Martin, City Clerk

TIFTON CITY COUNCIL AGENDA ITEM



TO: Tifton City Council
FROM: Larry Riner, City Manager
DATE: 06/07/2013
DEPARTMENT: City Manager's Office
SUBJECT: Award of Bid – Historic Myon Hotel Renovations

DATE: 6/20/2013
Workshop Meeting ()
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

Acceptance and Award of Bid to Anderson Construction Company of Fort Gaines

PROPOSED ACTION

Acceptance and Award of Bid to Anderson Construction Company of Fort Gaines and approve the City Manager to enter into contract negotiations for the Renovations of the Myon.

SUPPORTING INFORMATION

Background Information

- Bid were opened at City Hall on May 22, 2013 at 11:00 am
- Five (5) Bids were received from: Jones Construction, Anderson Construction Co. of Fort Gaines, John W. Spratlin & Son, LLC, Barber Contracting Company, and Aarene Contracting, LLC
- Lowest Base Bid was from Anderson Construction Co. of Fort Gaines in the Amount of \$2,164,991.00 with approval of Alternate #3 (New Carpet in Offices on 2nd & 3rd Floors) for an additional \$21,423.00 with a total renovation cost based on bid in the amount of \$2,186,414.00.
- Attached Documents:
 - Bid Tabulation
 - Bid submitted by Anderson Construction Co. of Fort Gaines
 - Estimated Pre-Bid Construction Cost presented by Lord Aeck Sargent

Financial Implications

- We have approx. \$310,000 in SPLOST 4 for this project
- DDA has stated they would greatly contribute to this project
- Is this a budgeted item x yes or no. Current available budgeted amount \$310,000.00 .

Pros and/or Cons

Implementation

- Larry Riner, City Manager
- Adam Cobb, City Engineer
- Courtney Swann, Architect w/ Lord Aeck Sargent

LORD · AECK · SARGENT
ARCHITECTURE

Larry D. Riner, City Manager
City of Tifton
204 N. Ridge Avenue
Tifton, GA 31794

June 7, 2013

Project: Tifton City Hall / Historic Myon Hotel
No: 10233-00
Re: Bid Recommendation

Dear Larry:

On May 22, 2013, bids for the Tifton City Hall / Historic Myon Hotel project were received. Five bids were received from general contractors, which were opened and read aloud. A subcontractor's bid for a portion of the project was also received and set aside. A copy of the bid tabulation form is attached for your use. Please be advised that the bid tabulation form was amended. In the cross checking of the bids submitted, Alternate 4 was a deductive alternate for the majority of the bidders.

The LAS estimated construction cost for the Move-in Phase, when the project was being studied at a conceptual level for phasing in April of 2012, ranged between \$1.6 and \$1.9 million. As construction documents for the Move-in Phase were in process, the construction estimate range raised to between \$1.8 and \$2.2 million due to additional work items that would be beneficial to complete during this phase of work. Work such as the exposure and waterproofing of the below grade wall along the alley and reconstruction of the existing teller window to match the historic windows are examples of work that were added to project along with additional interior finish needs. The final construction cost estimate prepared by LAS, based on the Construction Documents issued for bids and Addendums ranged between \$2.2 and \$2.6 million. This increase in estimated cost was largely attributable to a substantial increase in the extent of areas that would be accessed to complete the work; thereby increasing the extent of new finish work required.

This project, as bid, will complete a significant portion of the work that was conceptually attributed to the Additional Interior Building Rehabilitation Phase. For example, depending on the alternates accepted all carpeting will be replaced in the office areas of all levels and the wood flooring in the hallways of the second and third floors will be exposed and refinished.

The bids received ranged from \$2,164,991.00 to \$2,956,665.00. The three lowest bids were within a 10% spread. The lowest Base Bid received (\$2,164,991.00) was submitted by Anderson Construction Company of Fort Gaines. In reviewing the information submitted with the bid and references there was no indication that this Contractor could not undertake and properly complete this project and LAS recommends acceptance of their bid.

Larry D. Riner, City Manager
June 7, 2013
page 2

LAS recommends that the City of Tifton not accept Alternate #1, the elimination of the modification of the transaction window for a savings of (\$4,050.00); thereby, allowing the window opening to be reconstructed to match the remaining windows at the ground level on the alley side of the building. The City of Tifton previously upgraded their pneumatic transaction system making the transaction window obsolete. It is also recommended that the City of Tifton not accept Alternate #2, the carpeting of the second and third floor hallways for a savings of (\$1,130.00); thereby allowing the existing wood flooring to be exposed and refinished. Acceptance of Alternate #3, the replacement of carpeting on the second and third floors at an added cost of \$21,323.00 is recommended for approval as it will provide new carpet throughout the remainder of the offices in the facility.

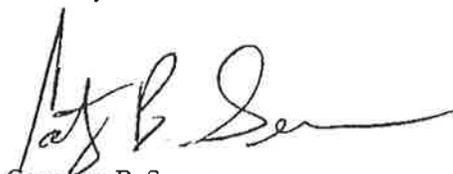
Alternate #4 provides a deduction of (\$20,423.00) from the project and upgrades elevator controls in lieu of new controls. This Alternate was provided by an elevator subcontractor that is with the company that now owns the original elevator manufacturing company as an alternative to installing new controllers and providing a savings to the project budget. LAS recommends the City of Tifton retain the option of accepting this alternate at initial contracting to allow for further discussion with the subcontractor as to what provides the best option for the City for longevity. If ultimately determined that this option is acceptable it would provide a savings to the project.

It should be noted that the project has a contingency allowance of \$300,000 to draw from for unforeseen conditions and to address unit price work that may exceed the work included in the Base Bid. If the contingency allowance funds are not fully used they would be deducted from the contract thereby reducing the overall project cost.

The recommended contractor has indicated a Contract Time of 365 calendar days to complete the project. This is in keeping with the time frame LAS originally envisioned and was consistent with the majority of the other bidders.

Attached to this letter of recommendation are the amended bid tabulation, a copy of the recommended Contractor's bid form, and LAS estimates of construction cost. Please let me know if I can be of any additional service at this time and I look forward to reviewing this information with the City Council on June 20, 2013.

Sincerely,



Courtney B. Swann
Lord Aeck Sargent

Enc.

file: k:\projects\10233-00\prj\cor\own\lr130607bid.docx

LORD · AECK · SARGENT
ARCHITECTURE

Tifton City Hall @ The Historic Myon Hotel

Bid Tabulation Form

5/22/2013 (revised)

Bidder Name	Jones Construction Company	Anderson Const. Co. of Fort Gaines	John W. Spratlin & Son LLC	Barber Contracting Company	Aarene Contracting, LLC
Base Bid	\$2,210,000.00	\$2,025,991.00	\$2,235,000.00	\$2,850,000.00	\$2,956,665.00
Sealed Envelope Instruction	\$140,000.00	\$139,000.00		-\$50,000.00	
	\$2,350,000.00	\$2,164,991.00		\$2,800,000.00	
Alternate #1 - Eliminate modification of transaction window	-\$4,000.00	-\$4,050.00	-\$1,500.00	-\$12,000.00	-\$7,500.00
Alternate #2 - Carpet hallways of the 2nd and 3rd floors in lieu of refinishing wood floors	-\$1,500.00	-\$1,130.00	\$0.00	\$40,500.00	-\$10,000.00
Alternate #3 - New carpet in offices on 2nd and 34d floors	\$23,000.00	\$21,323.00	\$0.00	\$25,000.00	+/- ? \$7,500
Alternate #4 - Elevator controller software upgrades and updates, power unit and valve.	-\$20,000.00	-\$20,423.00	\$11,000.00	-\$20,150.00	-\$20,150.00
Contract Time	395 calendar days	365 calendar days	300 calendar days	500 calendar days	310 calendar days
Unit Price: Roof Deck Replacement, per square foot 1000 sq ft in the Base Bid	\$10.00	\$5.00	\$5.00	\$8.00	\$9.00
Unit Price: Wood Floor/Ceiling Joist Replacement, per lineal foot 100 lineal feet in the Base Bid	\$20.00	\$5.00	\$8.00	\$50.00	\$32.50
Unit Price: Wood Rafter Replacement, per lineal foot 100 lineal feet in the Base Bid	\$5.00	\$5.00	\$8.00	\$50.00	\$35.25
Unit Price: Masonry Repointing, per square foot 1500 square feet in the Base Bid	\$20.00	\$30.00	\$15.00	\$20.00	\$13.00
Acknowledge 3 Addenda	X	X	X	X	X
Bid Form Signed	X	X	X	X	X
Bid Security - 5% Bid Bond (AIA A310)	X	X	X	X	X
Contractors Qualifications (AIA 305)	X	X	X	X	X
Evidence of Qualifications	X	X	X	X	X
Work Commitment Statement	X	X	X	X	X
GA Contractor License Info	X	X	X	X	X
Undertaking of Insurance	X	X	X	X	X
Georgia Security & Immigration	X	X	X	X	X
Subcontractor's Form	X	X	X	X	1
Comments					

A subcontractor bid was received for voice and Data Communications Cabling was received and set aside as bids due were for the entire project from General Contractors.

x = submitted

1 - No Subcontractor listed

Bids opened and tabulated by:

Courtney B. Swann

22-May-13

SECTION 00 4100
BID FORM

THE PROJECT AND THE PARTIES

1.01 TO:

A. Owner

City of Tifton
204 N Ridge Avenue N
Tifton, Georgia 31794

1.02 FOR:

Tifton City Hall (Historic Myon Hotel)

1.03 DATE: May 22, 2013 (BIDDER TO ENTER DATE)

1.04 SUBMITTED BY: (BIDDER TO ENTER NAME AND ADDRESS)

A. Bidder's Full Name Anderson Construction Company of Fort Gaines

1. Address 58 Crozier Lane
2. City, State, Zip Fort Gaines, GA 39851
3. Telephone: 229-768-2555
4. Contact Name: Gerald V. Anderson III
5. Contact Email: trey.anderson@accofg.com

1.05 OFFER

A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by Lord Aeck Sargent for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:

TWO MILLION, TWENTY-FIVE THOUSAND, NINE HUNDRED AND NINETY-ONE AND 00/100 dollars
(\$ 2,025,991.00), in lawful money of the United States of America.

B. Alternates: If alternates as set forth in the Bid Documents are accepted, the following adjustments are to be made to the Base Bid:

1. Alternate No. 1 - Eliminate modification of the existing transaction window to reconstruct windows to match adjacent historic windows for a total deduct from the Base Bid in the Sum of:

Deduct FOUR THOUSAND AND FIFTY AND 00/100 dollars
(\$ 4,050.00), in lawful money of the United States of America.

2. Alternate No. 2 - Install new carpeting in the hallways of the 2nd and 3rd floors and monumental stair in lieu of refinishing wood flooring for a total add / deduct from the Base Bid in the Sum of:

ADD DEDUCT (circle one) ONE THOUSAND, ONE HUNDRED AND THIRTY AND 00/100 dollars
(\$ 1,130.00), in lawful money of the United States of America.

3. Alternate No. 3 - Install new carpet in offices on 2nd and 3rd floors in lieu of reusing existing carpeting for a total add / deduct from the Base Bid in the Sum of:

ADD / DEDUCT (circle one) TWENTY-ONE THOUSAND, THREE HUNDRED AND TWENTY-THREE AND 00/100 dollars
(\$ 21,323.00), in lawful money of the United States of America.

4. Alternate No. 4 – Install new controller software upgrades and updates, a new soft start power unit, and new valve power unit, in lieu of the new controller for a total deduct from the Base Bid in the Sum of:

Deduct TWENTY-THOUSAND, FOUR HUNDRED AND TWENTY-THREE AND 00/100 dollars (\$ 20,423.00). in lawful money of the United States of America.
New door equipment and fixtures remain in the Base Bid.

- C. We have included the required security deposit as required by the Instruction to Bidders.
- D. All applicable federal taxes are included and State of Georgia taxes are included in the Bid Sum.
- E. All Cash and Contingency Allowances described in Section 01 2100 are included in the Bid Sum.
- F. We acknowledge that the owner reserves the right to charge the Contractor liquidated damages in the amount of \$250.00 per calendar day, for each day the project has not achieved Substantial Completion as stipulated in the signed Owner / Contractor Agreement.

1.06 ACCEPTANCE

- A. This offer shall be open to acceptance and is irrevocable for sixty days from the bid closing date.
- B. If this bid is accepted by Owner within the time period stated above, we will:
 - 1. Furnish the required bonds within seven days of receipt of Notice of Award.
 - 2. Commence work within seven days after written Notice to Proceed of this bid.
- C. If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.
- D. In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

1.07 CONTRACT TIME

- A. If this Bid is accepted, we will:
- B. Complete the Work in 365 calendar days from Notice to Proceed.
(Bidder to enter number of calendar days.)

1.08 UNIT PRICES

- A. The following are Unit Prices for specific portions of the Work as listed. The following is the list of Unit Prices:
 - 1. Roof Deck Replacement: Per Square Foot - \$ 5.00
 - a. One thousand (1000) square feet of roof deck replacement is included in the Base Bid.
 - 2. Wood Floor/Ceiling Joist Replacement: Per Lineal Foot \$ 5.00
 - a. One hundred (100) lineal feet of wood floor/ceiling joist replacement is included in the Base Bid.
 - 3. Wood Rafter Replacement: Per Lineal Foot \$ 5.00
 - a. One hundred (100) lineal feet of wood rafter replacement is included in the Base Bid.

4. Masonry Repointing: Per Square Foot \$ 30.00
a. In addition to the exterior wall repointing for installation of below grade waterproofing, fifteen hundred (1500) square feet of repointing is included in the Base Bid.

1.09 CHANGES TO THE WORK

- A. When Architect establishes that the method of valuation for Changes in the Work will be net cost plus a percentage fee in accordance with General Conditions, our percentage fee will be:
1. Fifteen percent (15%) overhead and profit on the net cost of our own Work;
 2. Seven and one half percent (7 1/2%) on the cost of work done by any Subcontractor.
- B. On work deleted from the Contract, our credit to Owner shall be Architect-approved net cost plus one hundred percent (100%) of the overhead and profit percentage noted above.

1.10 ADDENDA

- A. The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.
1. Addendum 1, 2, 3 Dated 04/24/13, 05/04/13, 05/10, 13, respectively.

1.11 BID FORM SUPPLEMENTS

- A. The following information is included with Bid submission:
1. Proposal Guaranty: Bid Bond of a sum no less than 5 percent of the Bid Amount on AIA A310 Bid Bond Form.
 2. AIA A305 Contractor's Qualification Statement.
 3. Evidence of Qualifications including supplemental qualification information identifying previous relevant work experience and contact information as the Bidder's experience in the successful rehabilitation of historic structures.
 4. Written Statement indicating current work commitments that impact starting the project.
 5. State of Georgia Contractor Licensing information.
 6. Executed "Undertaking of Insurance" on standard form provided by the insurance company.
 7. Georgia Security and Immigration Compliance Act Affidavit.
 8. Proposed Subcontractors Form

1.12 BID FORM SIGNATURE(S)

- A. The Corporate Seal of
B. Anderson Construction Company of Fort Gaines
(Bidder - print the full name of your firm)
C. was hereunto affixed in the presence of:
D. [Signature], President
(Authorized signing officer, Title)
E. (Seal)
E. [Signature], Treasurer
(Authorized signing officer, Title)

- 1.13 IF THE BID IS A JOINT VENTURE OR PARTNERSHIP, ADD ADDITIONAL FORMS OF EXECUTION FOR EACH MEMBER OF THE JOINT VENTURE IN THE APPROPRIATE FORM OR FORMS AS ABOVE.**

END OF BID FORM

LORD AECK SARGENT

Tifton City Hall

Estimated Construction Costs (Bid) Move-In

Modified: May 2013

Item	U/C	Project %	Low	Total	High			
Sitework	\$0.00	0.3%	\$4,514	\$5,015	\$5,517			
Demolition	\$0.00	4.2%	\$59,823	\$66,470	\$73,117			
Earthwork	\$0.00	1.0%	\$14,985	\$16,650	\$18,315			
Foundations	\$0.00	0.7%	\$9,450	\$10,500	\$11,550			
Concrete	\$0.00	0.9%	\$12,529	\$13,922	\$15,314			
Cement Finish	\$0.00	0.0%	\$0	\$0	\$0			
Precast Concrete	\$0.00	0.0%	\$0	\$0	\$0			
Masonry	\$0.00	4.9%	\$69,975	\$77,750	\$85,525			
Natural Stone	\$0.00	0.0%	\$0	\$0	\$0			
Miscellaneous Metal, Including stairs and railings	\$0.00	5.4%	\$76,860	\$85,400	\$93,940			
Rough Carpentry	\$0.00	9.8%	\$140,670	\$156,300	\$171,930			
Finish Carpentry & Millwork - Monumental Stair and Column Repairs	\$0.00	6.3%	\$90,135	\$100,150	\$110,165			
Waterproofing + Caulking	\$0.00	2.2%	\$31,104	\$34,560	\$38,016			
Roofing + Sheet Metal	\$0.00	6.5%	\$93,848	\$104,275	\$114,703			
Hollow Metal	\$0.00	0.3%	\$4,050	\$4,500	\$4,950			
Wood Doors	\$0.00	0.3%	\$4,500	\$5,000	\$5,500			
Special Acting Doors	\$0.00	0.0%	\$0	\$0	\$0			
Finish Hardware	\$0.00	1.4%	\$19,800	\$22,000	\$24,200			
Windows - skylight	\$0.00	1.3%	\$18,450	\$20,500	\$22,550			
Lath, Plaster + Stucco	\$0.00	0.0%	\$0	\$0	\$0			
Drywall - separation wall and drywall repairs	\$0.00	5.4%	\$77,850	\$86,500	\$95,150			
Tile + Terrazzo	\$0.00	1.3%	\$18,000	\$20,000	\$22,000			
Acoustical	\$0.00	0.0%	\$0	\$0	\$0			
Flooring	\$0.00	6.6%	\$94,500	\$105,000	\$115,500			
Painting - interior repairs only	\$0.00	1.9%	\$27,000	\$30,000	\$33,000			
Special Flooring	\$0.00	0.0%	\$0	\$0	\$0			
Miscellaneous Specialties	\$0.00	0.8%	\$10,800	\$12,000	\$13,200			
Toilet Partitions + Accessories	\$0.00	1.3%	\$17,955	\$19,950	\$21,945			
Equipment	\$0.00	0.0%	\$0	\$0	\$0			
Casework	\$0.00	0.0%	\$0	\$0	\$0			
Furnishings	\$0.00	0.0%	\$0	\$0	\$0			
Special Construction	\$0.00	0.0%	\$0	\$0	\$0			
Conveying Systems	\$0.00	4.7%	\$67,500	\$75,000	\$82,500			
Fire Protection Systems	\$0.00	1.4%	\$19,924	\$22,138	\$24,351			
Plumbing Systems	\$0.00	4.0%	\$57,939	\$64,377	\$70,815			
HVAC Systems	\$0.00	14.6%	\$209,925	\$233,250	\$256,575			
Electrical Systems	\$0.00	12.7%	\$181,935	\$202,150	\$222,365			
Construction Subtotal			\$0.00	65.94%	\$1,434,020	\$1,593,356	\$1,752,692	
General Requirements			10.00%		\$143,402	\$159,336	\$175,269	
Contract Requirements			5.00%		\$78,871	\$87,635	\$96,398	
General Contractor's Fee			15.00%		\$248,444	\$276,049	\$303,654	
Escalation to Bid Day/Mid-Point of Construction			0	MOS	0.00%	\$0	\$0	\$0
Design / Estimating Contingency			0.00%		\$0	\$0	\$0	
Construction Contingency					\$300,000	\$300,000	\$300,000	
Estimated Cost of Construction					\$2,204,738	\$2,416,375	\$2,628,013	

LORD AECK SARGENT

Tifton City Hall

Estimated Construction Costs (Schematic/Design Development) Move-In

Modified: November 16, 2012

Item	U/C	Project %	Low	Total	High
Sitework	\$0.00	0.4%	\$5,231	\$5,813	\$6,394
Demolition	\$0.00	2.2%	\$25,988	\$28,875	\$31,763
Earthwork	\$0.00	0.4%	\$4,500	\$5,000	\$5,500
Foundations	\$0.00	0.9%	\$11,250	\$12,500	\$13,750
Concrete	\$0.00	0.0%	\$0	\$0	\$0
Cement Finish	\$0.00	0.0%	\$0	\$0	\$0
Precast Concrete	\$0.00	0.0%	\$0	\$0	\$0
Masonry	\$0.00	3.5%	\$42,471	\$47,190	\$51,909
Natural Stone	\$0.00	0.0%	\$0	\$0	\$0
Miscellaneous Metal, including stairs and railings	\$0.00	5.6%	\$67,500	\$75,000	\$82,500
Rough Carpentry	\$0.00	9.4%	\$112,500	\$125,000	\$137,500
Finish Carpentry & Millwork - Monumental Stair and Column Repairs	\$0.00	4.4%	\$53,370	\$59,300	\$65,230
Waterproofing + Caulking	\$0.00	2.4%	\$29,250	\$32,500	\$35,750
Roofing + Sheet Metal	\$0.00	7.8%	\$93,848	\$104,275	\$114,703
Hollow Metal	\$0.00	0.6%	\$6,750	\$7,500	\$8,250
Wood Doors	\$0.00	0.0%	\$0	\$0	\$0
Special Acting Doors	\$0.00	0.0%	\$0	\$0	\$0
Finish Hardware	\$0.00	0.8%	\$9,900	\$11,000	\$12,100
Windows - skylight	\$0.00	0.8%	\$9,450	\$10,500	\$11,550
Lath, Plaster + Stucco	\$0.00	0.0%	\$0	\$0	\$0
Drywall - separation wall and drywall repairs	\$0.00	6.5%	\$77,850	\$86,500	\$95,150
Tile + Terrazzo	\$0.00	1.1%	\$13,500	\$15,000	\$16,500
Acoustical	\$0.00	0.0%	\$0	\$0	\$0
Flooring	\$0.00	5.1%	\$60,750	\$67,500	\$74,250
Painting - interior repairs only	\$0.00	1.9%	\$22,500	\$25,000	\$27,500
Special Flooring	\$0.00	0.0%	\$0	\$0	\$0
Miscellaneous Specialties	\$0.00	0.0%	\$0	\$0	\$0
Toilet Partitions + Accessories	\$0.00	1.3%	\$15,840	\$17,600	\$19,360
Equipment	\$0.00	0.0%	\$0	\$0	\$0
Casework	\$0.00	0.0%	\$0	\$0	\$0
Furnishings	\$0.00	0.0%	\$0	\$0	\$0
Special Construction	\$0.00	0.0%	\$0	\$0	\$0
Conveying Systems	\$0.00	5.6%	\$67,500	\$75,000	\$82,500
Fire Protection Systems	\$0.00	1.7%	\$19,924	\$22,138	\$24,351
Plumbing Systems	\$0.00	4.8%	\$57,939	\$64,377	\$70,815
HVAC Systems	\$0.00	17.5%	\$209,925	\$233,250	\$256,575
Electrical Systems	\$0.00	15.2%	\$181,935	\$202,150	\$222,365
Construction Subtotal	\$0.00	65.61%	\$1,199,670	\$1,332,967	\$1,466,264
General Requirements	8.00%		\$95,974	\$106,637	\$117,301
Contract Requirements	8.00%		\$103,652	\$115,168	\$126,685
General Contractor's Fee	8.00%		\$111,944	\$124,382	\$136,820
Design Contingency	10.00%		\$151,124	\$167,915	\$184,707
Estimating Contingency	10.00%		\$166,236	\$184,707	\$203,178
Estimated Cost of Construction			\$1,828,599	\$2,031,777	\$2,234,955

Potential Increases in Cost

Below Grade Waterproofing at Driveway Wall

Additional Selective Demolition for Floor Repair at Atrium

Wood Floor Repair - Atrium & Hall

Gypsum Board Repairs - Ceilings & Walls

Light Fixtures

LORD AECK SARGENT

Tifton City Hall

Estimated Construction Costs (Conceptual Level) Move-In

Prepared: February 24, 2012

Item	U/C	Project %	Low	Total	High		
Sitework	\$0.00	0.0%	\$0	\$0	\$0		
Demolition	\$0.00	1.6%	\$17,325	\$19,250	\$21,175		
Earthwork	\$0.00	0.0%	\$0	\$0	\$0		
Foundations	\$0.00	1.1%	\$11,250	\$12,500	\$13,750		
Concrete	\$0.00	0.0%	\$0	\$0	\$0		
Cement Finish	\$0.00	0.0%	\$0	\$0	\$0		
Precast Concrete	\$0.00	0.0%	\$0	\$0	\$0		
Masonry	\$0.00	4.0%	\$42,471	\$47,190	\$51,909		
Natural Stone	\$0.00	0.0%	\$0	\$0	\$0		
Miscellaneous Metal, including stairs and railings	\$0.00	6.4%	\$67,500	\$75,000	\$82,500		
Rough Carpentry	\$0.00	10.6%	\$112,500	\$125,000	\$137,500		
Finish Carpentry & Millwork - Monumental Stair and Column Repairs	\$0.00	4.4%	\$46,800	\$52,000	\$57,200		
Waterproofing + Caulking	\$0.00	0.0%	\$0	\$0	\$0		
Roofing + Sheet Metal	\$0.00	8.9%	\$93,848	\$104,275	\$114,703		
Hollow Metal	\$0.00	0.6%	\$6,750	\$7,500	\$8,250		
Wood Doors	\$0.00	0.0%	\$0	\$0	\$0		
Special Acting Doors	\$0.00	0.0%	\$0	\$0	\$0		
Finish Hardware	\$0.00	0.9%	\$9,900	\$11,000	\$12,100		
Windows - skylight	\$0.00	0.9%	\$9,450	\$10,500	\$11,550		
Lath, Plaster + Stucco	\$0.00	0.0%	\$0	\$0	\$0		
Drywall - separation wall and drywall repairs	\$0.00	4.9%	\$52,313	\$58,125	\$63,938		
Tile + Terrazzo	\$0.00	1.3%	\$13,500	\$15,000	\$16,500		
Acoustical	\$0.00	0.0%	\$0	\$0	\$0		
Flooring	\$0.00	0.0%	\$0	\$0	\$0		
Painting - Interior repairs only	\$0.00	2.1%	\$22,500	\$25,000	\$27,500		
Special Flooring	\$0.00	0.0%	\$0	\$0	\$0		
Miscellaneous Specialties	\$0.00	0.0%	\$0	\$0	\$0		
Toilet Partitions + Accessories	\$0.00	1.5%	\$15,840	\$17,600	\$19,360		
Equipment	\$0.00	0.0%	\$0	\$0	\$0		
Casework	\$0.00	0.0%	\$0	\$0	\$0		
Furnishings	\$0.00	0.0%	\$0	\$0	\$0		
Special Construction	\$0.00	0.0%	\$0	\$0	\$0		
Conveying Systems	\$0.00	6.4%	\$67,500	\$75,000	\$82,500		
Fire Protection Systems	\$0.00	1.9%	\$19,924	\$22,138	\$24,351		
Plumbing Systems	\$0.00	5.5%	\$57,939	\$64,377	\$70,815		
HVAC Systems	\$0.00	19.8%	\$209,925	\$233,250	\$256,575		
Electrical Systems	\$0.00	17.2%	\$181,935	\$202,150	\$222,365		
Construction Subtotal			\$0.00	65.61%	\$1,059,169	\$1,176,855	\$1,294,540
General Requirements			8.00%		\$84,734	\$94,148	\$103,563
Contract Requirements			8.00%		\$91,512	\$101,680	\$111,848
General Contractor's Fee			8.00%		\$98,833	\$109,815	\$120,796
Design Contingency			10.00%		\$133,425	\$148,250	\$163,075
Estimating Contingency			10.00%		\$146,767	\$163,075	\$179,382
Estimated Cost of Construction					\$1,614,440	\$1,793,822	\$1,973,204

TIFTON CITY COUNCIL AGENDA ITEM



TO: Tifton City Council
FROM: Rob Wilmot
DATE: 6/4/2013
DEPARTMENT: City Attorney's Office
SUBJECT: Policies and Procedures for CDBG Property Easement Acquisition

DATE: 6/20/2013
Workshop Meeting ()
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

Policies and Procedures need to be adopted for acquiring property easements for our FY2010 CDBG Project for Sewer Main Improvements.

PROPOSED ACTION

Adoption Of The Attached Policies And Procedures Statement For Acquisition Of Real Property Or Easement Associated With Federally Funded Projects.

SUPPORTING INFORMATION

Background Information

- These property acquisition policies need to be adopted. These regulations allow the City to negotiate upward from appraised value, increasing the offer if necessary.
- The amount by which we may exceed appraised value needs to be determined as all costs that the city would incur in a condemnation proceeding
- Bob Roberson, grant administrator, suggested using per square foot value as determined by the County Tax Assessor in lieu of formal appraisal as the basis for valuing easements. However, regulations provide that an owner may insist upon a formal appraisal. He also noted the most recent formal utility easement appraisal work he had done was by Halstead and he valued sewer easements at 40% of market value.

Financial Implications

- Is this a budgeted item yes or no.
- Current available budgeted amount: \$783,000.00 Local Project Match, which is being paid from SPLOST.

Pros and/or Cons

- DCA will monitor the city's acquisition files for compliance with federal acquisition regulations.

Implementation

- City staff along with Watkins & Associates Engineering Firm will move forward with acquiring easements for the respective property owners.

RESOLUTION NO. 2013-_____

**A RESOLUTION ADOPTING POLICIES AND PROCEDURES
FOR ACQUISITION OF REAL PROPERTY OR EASEMENT
ASSOCIATED WITH FEDERALLY FUNDED PROJECTS**

WHEREAS, the City of Tifton is carrying out certain activities for sanitary sewer improvements for the City of Tifton which are funded in whole or in part with federal funds;

WHEREAS, the City of Tifton has determined that it is necessary to acquire property or easements on property as part of the federally funded project; and

WHEREAS, the Uniform Real Property Acquisition Policies Act of 1970, as amended, hereinafter to be called the Uniform Act, requires local governments to adopt written local policies to govern property acquisition;

NOW, THEREFORE, BE IT RESOLVED:

The City of Tifton (hereinafter "the City") hereby adopts the following policies and procedures that will govern all activities associated with property acquisition related to federally funded projects.

1. a. **TARGET AREA.** The area in which acquisition activities are proposed is described in the narrative of the application for funding, and can be referenced by consulting the map attached to the application.

b. **ACQUISITION POLICIES.** The City shall make every reasonable effort to acquire the real property expeditiously by negotiation. As soon as feasible, the City shall notify the property owner of its interest in acquiring the property, and shall do so in writing by issuing a "Notice of Intent to Acquire." This notice will inform the property owner of all rights guaranteed under the Uniform Act, and shall be delivered by certified mail, or hand-delivered with a signed receipt. At this time, the City shall also deliver the information brochure "When a Public Agency Acquires Your Property," and shall obtain receipt for delivery.

c. **APPRAISAL.** Property owners shall have the right to have property appraised. This right may be waived by executing a waiver form, available from the City. The property owner reserves the right to waive any or all rights granted under the Uniform Act and this Policies Statement. The City **MUST** inform the property owner of all rights granted under the Uniform Act **BEFORE** executing any waivers.

d. **CRITERIA FOR APPRAISALS.** Appraisals shall be written statements prepared independently and impartially by a qualified appraiser, setting forth an

opinion of defined value of an adequately described property (platted and with a legal description) as of a specific date and supported by the presentation and analysis of relevant market information. Appraisals will vary in complexity, depending on the type, location, and size of the property to be acquired, but shall at a minimum, contain all items described in the Uniform Act implementing regulations, which are hereby referenced as part of this document and are available at the City office(s).

e. **QUALIFICATIONS FOR APPRAISERS.** Appraisers shall be Georgia licensed real estate appraisers, according to state law, and shall meet all other requirements described in the Uniform Act implementing regulations.

f. **APPEALS PROCEDURES.** Appeals shall be reviewed promptly and in accordance with applicable law. Any aggrieved person may file a written appeal with the City in any case in which the person believes that the City has failed to properly implement all regulations and requirements of the Act, or failed to offer fair market value for the property to be acquired. All written appeals shall be considered by the City, provided they are filed within 60 days of the City's Offer of Sale. A person has the right to be represented by legal counsel or other representative in connection with the appeal, but solely at the person's expense. The City shall permit a person to inspect and copy all materials pertinent to the appeal, subject to reasonable conditions imposed on the rights to inspect (i.e.; inspections to be conducted only during normal business hours). In deciding an appeal, the City shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the City shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the City shall advise the person of his or her right to seek judicial review. The City official conducting the review of the appeal shall be either the City manager or his or her authorized designee. However, the official reviewing the appeal shall not have been directly involved in the appealed action.

g. **REVIEW APPRAISAL.** Complex appraisals (those on property whose value exceeds \$10,000.00) shall be reviewed for conformance with applicable appraisal requirements. Before acceptance of Fair Market Value as established by appraisal, the review appraiser will determine that the appraiser's documentation, including valuation data and analyses of that data, support the appraiser's opinion of value. Appraisals will be subject to revision if the reviewer has valid objections to the method or amount of valuation. The review Appraiser's certification of the recommended or approved value shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation for approval. Any damages or benefits to any remaining property shall also be identified in the statement. Review appraisers shall meet all qualifications of appraisers as described above.

h. **ALTERNATIVE METHODS OF VALUATION.** The City may determine through knowledge of area market values that the property to be acquired has value of less than \$10,000.00. In these cases, the City may seek an agreement with the property owner that value be established by method other than a formal appraisal. These cases may be turned over to qualified persons who are familiar with local real estate market conditions. These types of property valuation shall be based on measurable data, such as comparable sales or previous appraisals, and shall be reviewed by a competent, knowledgeable reviewer who is also familiar with local market conditions. The property owner reserves the right to reject such a method of valuation and insist on a full appraisal should the valuation by such method be unacceptable.

i. **ESTABLISHMENT OF JUST COMPENSATION.** Before initiation of negotiations, the City shall establish an amount which it believes to be just compensation for the property, which shall not be less than the fair market value as established by appraisal, review appraisal, or other method of valuation agreed upon by the City and property owner. Promptly thereafter, the City shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

j. **SUMMARY STATEMENT.** Along with the initial written purchase offer, the owner shall be given a written statement of the basis of the offer of just compensation which shall include:

1. A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the damages, if any, to the remaining property shall be separately stated.

2. A description and location identification of the real property and the interest in the real property to be acquired.

3. An identification of the buildings, structures, and other improvements which are considered to be part of the real property for which the offer of just compensation is made. Where appropriate, the statement shall identify any separately held ownership in the property (e.g., a tenant-owned improvement), and indicate that such interest is not covered by the offer.

k. **BASIC NEGOTIATION PROCEDURES.** The City shall make reasonable efforts to contact the owner or owner's representative and discuss its offer to purchase, including the basis for the offer of just compensation. The City shall explain the basic acquisition policies and procedures that apply, and the owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modifications to the proposal.

If information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of appraisal of the property and it is possible that an increase in property value has occurred, the City shall have the appraisal updated or obtain a new appraisal. If the latest appraisal information indicates that a change in the purchase offer is warranted, the City shall promptly reestablish just compensation and offer the new amount to the owner in writing.

1. **COERCIVE ACTION.** The City shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property.

m. **ADMINISTRATIVE SETTLEMENT.** The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized City official approves such administrative settlement as being reasonable, prudent, and in the public interest. A written justification explaining the basis for the settlement (e.g., recent court awards exceeding the City's testimony to value, estimated trial costs exceed the amount of administrative settlement, valuation method not appropriate) shall be included in the City's file. Appraisers and review appraisers must not be pressured to adjust their estimate of value for the purpose of justifying a settlement, as such action would invalidate the appraisal process.

n. **PAYMENT BEFORE TAKING POSSESSION.** The City shall pay the agreed purchase price to the owner, or in the case of a condemnation, deposit with the court an amount equal to the City's approved fair market value of the property, before requiring the owner to surrender possession of the property. In exceptional circumstances (e.g. immediate threat to the community), with prior approval of the owner, the City may obtain a right-of-entry for construction purposes before making payment available to the owner.

o. **UNECONOMIC REMNANT.** If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the City shall offer to acquire the uneconomic remnant along with the portion of the property needed for the project. For purposes of this requirement, "uneconomic remnant" means a parcel of property in which the owner is left with an interest after the partial acquisition of the owner's property, which has little or no value or utility to the owner, as determined by the City.

2. **CONDEMNATION PROCEDURES.** Should the City and property owner fail to come to an agreement on a fair market value for the property to be acquired, the City shall reserve the right to institute condemnation proceedings under the power of eminent domain. The City shall promptly place the amount of just compensation in trust

with the court until such time as the Special Master makes his ruling, or until jury trial is complete and final amount of just compensation is established. The owner reserves the right to appeal the decision of the Special Master, or to insist upon jury trial to establish the amount of just compensation to be awarded. Friendly condemnations, in order to secure marketable title to the property shall be instituted by the City when appropriate, and all normal rules of condemnation shall apply.

3. **CERTAIN LITIGATION EXPENSES.** The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, which the owner actually incurred because of a condemnation proceeding, if:

- The final judgment of the court is that the City cannot acquire the property by condemnation; or
- The condemnation proceeding is abandoned by the City other than under an agreed upon settlement; or
- The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or the City effects a settlement of such proceeding.

4. **EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO THE CITY.**

The owner of the real property shall be reimbursed for all reasonable expenses the owner necessarily incurred for:

- Recording fees, transfer taxes, documentary stamps, evidence of title, boundary survey and legal description, and similar expenses incidental to conveying the real property to the City. However, the City is not required to pay costs solely required to perfect the owner's title to the property.
- Penalty costs and other charges for prepayment of any preexisting mortgage entered into in good faith encumbering the real property.
- The pro rata portion of any prepaid property taxes which are allocable to the period after the City obtains title to the property or effective possession of it, whichever is earlier.

Whenever feasible, the City shall pay for the incidental expenses directly so that the owner will not have to pay such costs and then seek reimbursement for the City. To avoid duplicate expenditures, the property owner shall be informed early in the acquisition process of the City's intent to make such arrangements.

5. **DONATIONS.**

An owner whose real property is to be acquired may, **AFTER BEING FULLY INFORMED BY THE CITY OF THE RIGHT TO RECEIVE JUST COMPENSATION FOR SUCH PROPERTY**, donate such property or any part thereof, any interest therein, or any compensation paid therefor, to the City as such owner shall determine. The City must obtain an appraisal of the real property unless the owner, in writing, releases the City from such

obligation, or as provided in Paragraph 1.h., the valuation problem is uncomplicated and the fair market value does not exceed \$10,000.00. Whenever City acquires property under this provision, IT MUST OBTAIN THE WRITTEN CONSENT OF THE OWNER. Such consent must indicate that the owner understands that under the Uniform Act, he or she cannot be required to sell or donate the real property to the City for less than fair market value. The owner reserves the right to waive any or all provisions of these policies. However, all provisions contained herein MUST BE CLEARLY EXPLAINED AND PRESENTED TO THE PROPERTY OWNER AND RECEIPT OF SUCH PRESENTATION MUST BE CONTAINED IN THE CITY'S FILE.

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution be and the same are hereby repealed.

RESOLVED by the Mayor and City Council of the City of Tifton this ___ day of June, 2013.

J.G. "Jamie" Cater, JR.
Mayor

Attest:

Rona Martin
City Clerk

Approved as to form:

Robert C. Wilmot
City Attorney

**POLICIES AND PROCEDURES STATEMENT FOR ACQUISITION
OF REAL PROPERTY OR EASEMENT ASSOCIATED WITH
FEDERALLY FUNDED PROJECTS**

The City of Tifton is carrying out certain activities funded in whole or in part with Federal Funds. The Agency has deemed it necessary to acquire property or easement to property as part of the federally funded project. Pursuant to the Uniform Real Property Acquisition Policies Act of 1970, as amended, hereinafter to be called the Uniform Act, which requires local governments to adopt written local policies to govern property acquisition, the Agency has adopted by official action these policies and procedures. These policies and procedures will govern all activities associated with property acquisition related to federally funded projects.

1. a. **TARGET AREA.** The area in which acquisition activities are proposed is described in the narrative of the application for funding, and can be referenced by consulting the map attached to the application.

b. **ACQUISITION POLICIES.** The Agency shall make every reasonable effort to acquire the real property expeditiously by negotiation. As soon as feasible, the Agency shall notify the property owner of its interest in acquiring the property, and shall do so in writing by issuing a "Notice of Intent to Acquire." This notice will inform the property owner of all rights guaranteed under the Uniform Act, and shall be delivered by certified mail, or hand-delivered with a signed receipt. At this time, the Agency shall also deliver the information brochure "When a Public Agency Acquires Your Property," and shall obtain receipt for delivery.

c. **APPRAISAL.** Property owners shall have the right to have property appraised. This right may be waived by executing a waiver form, available from the agency. The property owner reserves the right to waive any or all rights granted under the Uniform Act and this Policies Statement. The Agency **MUST** inform the property owner of all rights granted under the Uniform Act **BEFORE** executing any waivers.

d. **CRITERIA FOR APPRAISALS.** Appraisals shall be written statements prepared independently and impartially by a qualified appraiser, setting forth an opinion of defined value of an adequately described property (platted and with a legal description) as of a specific date and supported by the presentation and analysis of relevant market information. Appraisals will vary in complexity, depending on the type, location, and size of the property to be acquired, but shall at a minimum, contain all items described in the Uniform Act implementing regulations, which are hereby referenced as part of this document and are available at the Agency office(s).

e. **QUALIFICATIONS FOR APPRAISERS.** Appraisers shall be Georgia licensed real estate appraisers, according to state law, and shall meet all other requirements described in the Uniform Act implementing regulations.

f. **APPEALS PROCEDURES.** Appeals shall be reviewed promptly and in accordance with applicable law. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly implement all regulations and requirements of the Act, or failed to offer fair market value for the property to be acquired. All written appeals shall be considered by the Agency, provided they are filed within 60 days of the Agency's Offer of Sale. A person has the right to be represented by legal counsel or other representative in connection with the appeal, but solely at the person's expense. The Agency shall permit a person to inspect and copy all materials pertinent to the appeal, subject to reasonable conditions imposed on the rights to inspect (i.e.; inspections to be conducted only during normal business hours). In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her right to seek judicial review. The agency official conducting the review of the appeal shall be either the head of the agency or his or her authorized designee. However, the official reviewing the appeal shall not have been directly involved in the appealed action. If the Agency has only one employee, the agency shall name a committee to made up of an appropriate cross-section of local citizens or elected officials or both to hear the case.

g. **REVIEW APPRAISAL.** Complex appraisals (those on property whose value exceeds \$10,000.00) shall be reviewed for conformance with applicable appraisal requirements. Before acceptance of Fair Market Value as established by appraisal, the review appraiser will determine that the appraiser's documentation, including valuation data and analyses of that data, support the appraiser's opinion of value. Appraisals will be subject to revision if the reviewer has valid objections to the method or amount of valuation. The review Appraiser's certification of the recommended or approved value shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation for approval. Any damages or benefits to any remaining property shall also be identified in the statement. Review appraisers shall meet all qualifications of appraisers as described above.

h. ALTERNATIVE METHODS OF VALUATION. The Agency may determine through knowledge of area market values that the property to be acquired has value of less than \$10,000.00. In these cases, the Agency may seek an agreement with the property owner that value be established by method other than a formal appraisal. These cases may be turned over to qualified persons who are familiar with local real estate market conditions. These types of property valuation shall be based on measurable data, such as comparable sales or previous appraisals, and shall be reviewed by a competent, knowledgeable reviewer who is also familiar with local market conditions. The property owner reserves the right to reject such a method of valuation and insist on a full appraisal should the valuation by such method be unacceptable.

i. ESTABLISHMENT OF JUST COMPENSATION. Before initiation of negotiations, the Agency shall establish an amount which it believes to be just compensation for the property, which shall not be less than the fair market value as established by appraisal, review appraisal, or other method of valuation agreed upon by the Agency and property owner. Promptly thereafter, the Agency shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

j. SUMMARY STATEMENT. Along with the initial written purchase offer, the owner shall be given a written statement of the basis of the offer of just compensation which shall include:

1. A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the damages, if any, to the remaining property shall be separately stated.

2. A description and location identification of the real property and the interest in the real property to be acquired.

3. An identification of the buildings, structures, and other improvements which are considered to be part of the real property for which the offer of just compensation is made. Where appropriate, the statement shall identify any separately held ownership in the property (e.g., a tenant-owned improvement), and indicate that such interest is not covered by the offer.

k. BASIC NEGOTIATION PROCEDURES. The Agency shall make reasonable efforts to contact the owner or owner's representative and discuss its offer to purchase, including the basis for the offer of just compensation. The Agency shall explain the basic acquisition policies and procedures that apply, and the owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modifications to the proposal.

If information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of appraisal of the property and it is possible that an increase in property value has occurred, the Agency shall have the appraisal updated or obtain a new appraisal. If the latest appraisal information indicates that a change in the purchase offer is warranted, the Agency shall promptly reestablish just compensation and offer the new amount to the owner in writing.

l. COERCIVE ACTION. The Agency shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property.

m. ADMINISTRATIVE SETTLEMENT. The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. A written justification explaining the basis for the settlement (e.g., recent court awards exceeding the Agency's testimony to value, estimated trial costs exceed the amount of administrative settlement, valuation method not appropriate) shall be included in the Agency's file. Appraisers and review appraisers must not be pressured to adjust their estimate of value for the purpose of justifying a settlement, as such action would invalidate the appraisal process.

n. PAYMENT BEFORE TAKING POSSESSION. The Agency shall pay the agreed purchase price to the owner, or in the case of a condemnation, deposit with the court an amount equal to the Agency's approved fair market value of the property, before requiring the owner to surrender possession of the property. In exceptional circumstances (e.g. immediate threat to the community), with prior approval of the owner, the Agency may obtain a right-of-entry for construction purposes before making payment available to the owner.

o. UNECONOMIC REMNANT. If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the Agency shall offer to acquire the uneconomic remnant along with the portion of the property needed for the project. For purposes of this requirement, "uneconomic remnant" means a parcel of property in which the owner is left with an interest after the partial acquisition of the owner's property, which has little or no value or utility to the owner, as determined by the Agency.

2. a. CONDEMNATION PROCEDURES. Should the Agency and property owner fail to come to an agreement on a fair market value for the property to be acquired, the Agency shall reserve the right to institute condemnation proceedings under the power of eminent domain. The Agency shall promptly place the amount of just compensation in trust with the court until such time as the Special Master makes his ruling, or until jury trial is complete and final amount of just compensation is established. The owner reserves the right to appeal the decision of the Special Master, or to insist upon jury trial to establish the amount of just compensation to be awarded. Friendly condemnations, in order to secure marketable title to the property shall be instituted by the Agency when appropriate, and all normal rules of condemnation shall apply.

3. a. CERTAIN LITIGATION EXPENSES. The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, which the owner actually incurred because of a condemnation proceeding, if:

- The final judgment of the court is that the Agency cannot acquire the property by condemnation; or
- The condemnation proceeding is abandoned by the Agency other than under an agreed upon settlement; or
- The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or the Agency effects a settlement of such proceeding.

4. a. EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO THE AGENCY. The owner of the real property shall be reimbursed for all reasonable expenses the owner necessarily incurred for:

- Recording fees, transfer taxes, documentary stamps, evidence of title, boundary survey and legal description, and similar expenses incidental to conveying the real property to the Agency. However, the Agency is not required to pay costs solely required to perfect the owner's title to the property.
- Penalty costs and other charges for prepayment of any preexisting mortgage entered into in good faith encumbering the real property.
- The pro rata portion of any prepaid property taxes which are allocable to the period after the Agency obtains title to the property or effective possession of it, whichever is earlier.

b. Whenever feasible, the Agency shall pay for the incidental expenses directly so that the owner will not have to pay such costs and then seek reimbursement for the Agency. To avoid duplicate expenditures, the property owner shall be informed early in the acquisition process of the Agency's intent to make such arrangements.

5. a. DONATIONS. An owner whose real property is to be acquired may, AFTER BEING FULLY INFORMED BY THE AGENCY OF THE RIGHT TO RECEIVE JUST COMPENSATION FOR SUCH PROPERTY, donate such property or any part thereof, any interest therein, or any compensation paid therefor, to the Agency as such owner shall determine. The Agency must obtain an appraisal of the real property unless the owner, in writing, releases the Agency from such obligation, or as provided in Paragraph 1.h., the valuation problem is uncomplicated and the fair market value does not exceed \$10,000.00. Whenever Agency acquires property under this provision, IT MUST OBTAIN THE WRITTEN CONSENT OF THE OWNER. Such consent must indicate that the owner understands that under the Uniform Act, he or she cannot be required to sell or donate the real property to the Agency for less than fair market value. The owner reserves the right to waive any or all provisions of these policies. However, all provisions contained herein MUST BE CLEARLY EXPLAINED AND PRESENTED TO THE PROPERTY OWNER AND RECEIPT OF SUCH PRESENTATION MUST BE CONTAINED IN THE AGENCY'S FILE.

Adopted this _____ day of _____, 2013.

By: _____
Mayor

Attest: _____
Clerk

(SEAL)

MEMORANDUM

TO: Rob Wilmot, City Attorney
City Attorney

FROM: Bob Roberson
Bob Roberson and Associates, Inc.

SUBJECT: Easement Acquisitions-CDBG Project

DATE: May 29, 2013

I am attaching draft documents for your use in utility easements for the Tifton CDBG project.

A sample letter is provided that should be placed on your letterhead. The letter should be sent certified mail or hand-delivered. If hand-delivered, an acknowledgement of receipt signed by the propertyowner should be obtained. The brochure, *When a Public Agency Acquires Your Property*, should be enclosed with the letter.

A set of Property Acquisition Standards applicable to this project is attached. These should be adopted by the City Council. These regulations allow you to negotiate upward from appraised value, increasing the offer if necessary. The amount by which you may exceed appraised value is the amount that you determine as all of the costs that the city would incur in a condemnation proceeding.

I have normally used per square foot value as determined by the County tax assessor, in lieu of formal appraisal as the basis for valuing easements. However, the regulations provide that an owner may insist upon a formal appraisal. The most recent formal utility easement appraisal work we had done was by Halstead. He valued sewer easements at 40 percent of market value.

Georgia DCA will monitor acquisition files for compliance with the federal acquisition regulations. Each individual file should contain the offer to purchase letter, evidence that the letter was received by the property owner, the executed deed, and a copy of the check.

Should you have questions or require additional assistance from our office, please advise.

SAMPLE

April 17, 2013

Gregory and Jocelyn Walker
P.O. Box 5474
Sylvester, Georgia 31791

Dear Mr. and Ms. Walker:

This letter is to advise you of the City of Sylvester's interest in acquiring a permanent easement on property owned by you and identified on the attached plat. The easement contains a total of 631 square feet. This easement acquisition is necessary as part of a water and sewer system improvements project for which the city has received federal grant funding. A brochure entitled "When a Public Agency Acquires Your Property," which details the city's procedure for acquiring property is enclosed for your information. In general, property owners are entitled to receive fair market value for property, but may donate property if they so desire.

In calculating the value of the easement, we have utilized the per square foot market value of the property as determined by the Worth County Board of Tax Assessors. The total value of the easement based upon this value is \$220.85. The City of Sylvester submits an offer to purchase to you for this amount.

Please contact me at telephone number 776-6981 as the city is would like to complete this transaction and begin construction as soon as possible.

Sincerely,

Norman Crowe
City Attorney

Enclosure

WHEN A PUBLIC AGENCY ACQUIRES YOUR PROPERTY

**U.S. Department of Housing
and Urban Development**
Office of Community Planning
and Development

www.hud.gov/relocation

Introduction

This booklet describes important features of the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended (URA) and provides general information about public acquisition of real property (real estate) that should be useful to you.

Most acquisitions of real property by a public agency for a Federal project or a project in which Federal funds are used are covered by the URA. If you are notified that your property will be acquired for such a project, it is important that you learn your rights under this important law.

This booklet may not answer all of your questions. If you have more questions about the acquisition of your property, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you sell your property. Afterwards, it may be too late.

General Questions

What Right Has Any Public Agency To Acquire My Property?

The Federal Government and every State government have certain powers which are necessary for them to operate effectively. For example, they have the power to levy taxes and the power to maintain order. Another government power is the power to acquire private property for public purposes. This is known as the power of eminent domain.

The rights of each of us are protected, however, by the Fifth and Fourteenth Amendments of the U.S. Constitution and by State constitutions and eminent domain laws which guarantee that if a public agency takes private property it must pay "just compensation" to the owner. The URA provides additional protections, as explained in this booklet.

Who Made The Decision To Buy My Property?

The decision to acquire a property for a public project usually involves many persons and many determinations. The final determination to proceed with the project is made only after a thorough review which may include public hearings to obtain the views of interested citizens.

If you have any questions about the project or the selection of your property for acquisition, you should ask a representative of the Agency which is responsible for the project.

How Will The Agency Determine How Much To Offer Me For My Property?

Before making you an offer, the Agency will obtain at least one appraisal of your property by a competent real property appraiser who is familiar with local property values. The appraiser will inspect your property and prepare a report that includes his or her professional opinion of its current fair market value. After the appraiser has completed his work, a review appraiser will examine the appraisal report to assure that the estimate is fair and the work conforms with professional appraisal standards.

The Agency must offer you "just compensation" for your property. This amount cannot be less than the appraised fair market value of the property. "Just compensation" for your property does not take into account your relocation needs. If you are eligible for relocation assistance, it will be additional.

What Is Fair Market Value?

Fair market value is sometimes defined as that amount of money which would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy. In some areas a different term or definition may be used.

The fair market value of a property is generally considered to be "just compensation." Fair market value does not take into account intangible elements such as sentimental value, good will, business profits, or any special value that your property may have for you or for the Agency.

How Does An Appraiser Determine The Fair Market Value Of My Property?

Each parcel of real property is different and therefore no single formula can be devised to appraise all properties. Among the factors an appraiser typically considers in estimating the value of real property are:

- How it compares with similar properties in the area that have been sold recently.
- How much rental income it could produce.
- How much it would cost to reproduce the buildings and other structures, less any depreciation.

Will I Have A Chance To Talk To The Appraiser?

Yes. You will be contacted and given the opportunity to accompany the appraiser on his or her inspection of your property. You may then inform the appraiser of any special features which you believe may add to the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to insure that nothing of allowable value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property represent you.

How Soon Will I Receive A Written Purchase Offer?

Generally, this will depend on the amount of work required to appraise your property. In the case of a typical single-family house, it is usually possible to make a written purchase offer within 45 to 60 days of the date an appraiser is selected to appraise the property.

Promptly after the appraisal has been reviewed (and any necessary corrections obtained), the Agency will determine just compensation and give you a written purchase offer in that amount along with a "summary statement," explaining the basis for the offer. No negotiations are to take place before you receive the written purchase offer and summary statement.

What Is In The Summary Statement Of The Basis For The Offer Of Just Compensation?

The summary statement of the basis for the offer of just compensation will include:

- An accurate description of the property and the interest in the property to be acquired.
- A statement of the amount offered as just compensation. (If only part of the property is to be acquired, the compensation for the part to be acquired and the compensation for damages, if any, to the remaining part will be separately stated.)
- A list of the buildings and other improvements covered by the offer. (If there is a separately held interest in the property not owned by you and not covered by the offer (e.g., a tenant-owned improvement), it will be so identified.)

Must I Accept The Agency's Offer?

No. You are entitled to present your evidence as to the amount you believe is the fair market value of your property and to make suggestions for changing the terms and conditions of the offer. The Agency will consider your evidence and suggestions. When fully justified by the available evidence of value, the offer price will be increased.

May Someone Represent Me During Negotiations?

Yes. If you would like an attorney or anyone else to represent you during negotiations, please inform the Agency. However, the URA does not require the Agency to pay the costs of such representation.

If I Reach Agreement With The Agency, How Soon Will I Be Paid?

If you reach a satisfactory agreement to sell your property and your ownership (title to the property) is clear, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after you sign a purchase contract. If the

title evidence obtained by the Agency indicates that further action is necessary to show that your ownership is clear, you may be able to hasten the payment by helping the Agency obtain the necessary proof. (Title evidence is basically a legal record of the ownership of the property. It identifies the owners of record and lists the restrictive deed covenants and recorded mortgages, liens, and other instruments affecting your ownership of the property.)

What Happens If I Don't Agree To The Agency's Purchase Offer?

If you are unable to reach an agreement through negotiations, the Agency may file a suit in court to acquire your property through an eminent domain proceeding. Eminent domain proceedings are often called condemnations. If your property is to be acquired by condemnation, the Agency will file the condemnation suit without unreasonable delay.

An Agency may also decide not to buy your property, if it cannot reach agreement on a price, and find another property to buy instead.

What Happens After The Agency Condemns My Property?

You will be notified of the action. Condemnation procedures vary, and the Agency will explain the procedures which apply in your case.

Generally, when an Agency files a condemnation suit, it must deposit with the court (or in an escrow account) an amount not less than its appraisal of the fair market value of the property. You should be able to withdraw this amount, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.

During the condemnation proceeding, you will be provided an opportunity to introduce your evidence as to the value of your property. Of course, the Agency will have the same right. After hearing the evidence of all parties, the court will determine the amount of just compensation. If that amount exceeds the amount deposited by the Agency, you will be paid the difference, plus any interest that may be provided by law.

To help you in presenting your case in a condemnation proceeding, you may wish to employ an attorney and an appraiser. However, in most cases the costs of these professional services and other costs which an owner incurs in presenting his or her case to the court must be paid by the owner.

What Can I Do If I Am Not Satisfied With The Court's Determination?

If you are not satisfied with the court judgment, you may file an appeal with the appropriate appellate court for the area in which your property is located. If you are considering an appeal, you should check on the applicable time limit for filing the appeal and consult with your attorney on whether you have a basis for the appeal. The Agency may also file an appeal if it believes the amount of the judgment is too high.

Will I Have To Pay Any Closing Costs?

You will be responsible for the payment of the balance on any mortgage and other liens on your property. Also, if your ownership is not clear, you may have to pay the cost of clearing it. But the Agency is responsible for all reasonable and necessary costs for:

- Typical legal and other services required to complete the sale, recording fees, revenue stamps, transfer taxes and any similar expenses which are incidental to transferring ownership to the Agency.
- Penalty costs and other charges related to prepayment of any recorded mortgage on the property that was entered into in good faith.
- Real property taxes covering the period beginning on the date the Agency acquires your property.

Whenever possible, the Agency will make arrangements to pay these costs directly. If you must incur any of these expenses yourself, you will be repaid--usually at the time of closing. If you later discover other costs for which you should be repaid, you should request repayment from the Agency immediately. The Agency will assist you in filing a claim. Finally, if you believe that you were not properly repaid, you may appeal the decision to the Agency.

May I Keep Any Of The Buildings Or Other Improvements On My Property?

Very often, many or all of the improvements on the property are not required by the Agency. This might include such items as a fireplace mantel, your favorite shrubbery, or even an entire house. If you wish to keep any improvements, please let the Agency know as soon as possible.

If you do arrange to keep any improvement, the Agency will deduct only its salvage value from the purchase price you would otherwise receive. (The salvage value of an item is its probable selling price if offered for sale on the condition that the buyer will remove it at his or her own expense.) Of course, if you arrange to keep any real property improvement, you will not be eligible to receive a relocation payment for the cost of moving it to a new location.

Can The Agency Take Only A Part Of My Property?

Yes. But if the purchase of only a part of your property reduces the value of the remaining part(s), you will be paid for the loss in value. Also, if any remaining part would have little or no utility or value to you, the Agency will offer to buy that remaining part from you.

Occasionally, a public project will increase the value of the part which is not acquired by the Agency. Under some eminent domain laws, the amount of such increase in value is deducted from the purchase payment the owner would otherwise receive.

Will I Have To Pay Rent To The Agency After My Property Is Acquired?

If you remain on the property after the acquisition, you may be required to pay a fair rent to the Agency. Such rent will not exceed that charged for the use of comparable properties in the area.

How Soon Must I Move?

If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for your property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice.

If you reach a voluntary agreement to sell your property, you will not be required to move before you receive the agreed purchase price. If the property is acquired by condemnation, you cannot be required to move before the estimated fair market value of the property has been deposited with the court so that you can withdraw your share.

If you are being displaced from your home, you will not be required to move before a comparable replacement home is available to you.

Will I Receive Relocation Assistance?

Title II of the URA requires that certain relocation payments and other assistance must be provided to families, individuals, businesses, farms, and nonprofit organizations when they are displaced or their personal property must be moved as a result of a project that is covered by the URA.

The Agency will furnish you a full explanation of any relocation assistance to which you may be entitled. If you have any questions about such assistance, please contact the Agency. In order for the Agency to fulfill its relocation obligations to you, you must keep the Agency informed of your plans.

My Property Is Worth More Now. Must I Pay Capital Gains Tax On The Increase?

Internal Revenue Service (IRS) Publication 544 explains how the Federal income tax would apply to a gain or loss resulting from the sale or condemnation of real property, or its sale under the threat of condemnation, for public purposes. If you have any questions about the IRS rules, you should discuss your particular circumstances with your personal tax advisor or your local IRS office.

I'm A Veteran. How About My VA Loan?

After your VA home mortgage loan has been repaid, you will be permitted to obtain another VA loan to purchase another property. Check on such arrangements with your nearest Veterans Administration Office.

Is It Possible To Donate Property?

Yes. You may donate your property or sell it to the Agency for less than its fair market value. The Agency must obtain an appraisal of the property and offer just compensation for it, unless you release the Agency from these obligations.

Additional Information

If you have any questions after reading this booklet, contact the Agency and discuss your concerns with the Agency representative.

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:

TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rona Martin
DATE: 06/11/2013
DEPARTMENT: City Clerk
SUBJECT: Resolution providing for Notice of Election



DATE: 6/20/13
Workshop Meeting (x)
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

The election for 2013 is to be held on November 5, 2013.

PROPOSED ACTION

Motion to adopt the amended fees for advertisement in the Tifton Gazette.

SUPPORTING INFORMATION

Background Information

Financial Implications

None

Pros and/or Cons

Implementation

Advertisement in the Tifton Gazette, followed by a resolution issuing the notice of election on the Council agenda for July 1st.

CITY OF TIFTON, GEORGIA

RESOLUTION NO. 2013-_____

[NOTICE OF ELECTION]

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, ISSUING
A NOTICE OF ELECTION:**

For the election of two (2) City Council Members; and providing for said election.

Whereas, it is deemed necessary for the City Council to pass this Resolution in order to issue a Notice for the Election herein specified; and

Whereas, the City of Tifton has contracted with the Tift County Elections Office to provide and conduct all services with regards to elections; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tifton, Georgia that:

ELECTION

The City of Tifton, Georgia, shall hold an election on Tuesday, November 5, 2013 for the purpose of the election of City Council Members for District No.1 for a four (4) year term beginning January 1, 2014; and the election of a City Council Member for District No. 3 for a four (4) year term beginning January 1, 2014, all as approved by the Georgia General Assembly in its 1997 Session with regard to House Bill 1048 (the approval of a new City Charter).

QUALIFICATION PERIOD FOR CANDIDATES

Anyone eligible to run for such Council posts may qualify by filing notice of his or her candidacy with the City Clerk, Rona Martin, at Tifton City Hall, 204 N. Ridge Avenue, Tifton, Georgia, beginning at 8:30 a.m. on Monday August 26, 2013, and ending at 4:30 p.m. on Friday, August 30, 2013.

QUALIFYING FEE FOR CANDIDATES

Pursuant to the Georgia Municipal Election Code, candidates receiving compensation must pay a qualifying fee; therefore, the following qualification fee shall be paid at the time of qualifying: Council Post \$239.42.

RESOLVED this 1st day of July, 2013.

J. G. "Jamie" Cater, Jr., Mayor

Attest:

Rona Martin, CMC
City Clerk

TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rona Martin, City Clerk
DATE: 06/19/2103
DEPARTMENT: City Clerk's Office
SUBJECT: Alcoholic Beverage License #05174



DATE: 06/20/2013
Workshop Meeting (x)
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

A-1 Food Mart , located at 1005 12th Street E., is requesting an alcoholic beverage license for malt beverage package retail. Background checks on the owner and manage revealed no violations

PROPOSED ACTION

Staff recommends approval of this request.

SUPPORTING INFORMATION

Background Information

- See attached.

Financial Implications

- Cost of the application and license is a total of \$600.00.

Pros and/or Cons

- n/a

Implementation

n/a

CITY OF TIFTON, GEORGIA
RESOLUTION NO. 2013-____
[Issuance of a New Alcoholic Beverage License]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, WITH RESPECT TO ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE BY THE CITY OF TIFTON, GEORGIA, TO **A-1 FOOD MART [APPLICANT]** FOR PREMISES LOCATED AT **1005 E. 12TH STREET**.

WHEREAS, it appears that the above referenced applicant has submitted a new application for the following described alcoholic beverage license for the above referenced location; and

WHEREAS, it appears to the satisfaction of the City Council, based upon said application and the investigation of city officials relative thereto, that the said applicant and location meet the requirements for the issuance of the alcoholic beverage license applied for, subject to compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, THAT:

-1-

The following described alcoholic beverage license application be and the same hereby is, granted [subject to the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and subject to compliance by the applicant as of the time of issuance thereof, as well as subsequent thereto, in all respects with the provisions, conditions, and requirements of Chapter 6 of the Code of Ordinances of the City of Tifton, Georgia]:

Alcoholic Beverage License Application No.: (05174)
Applicant Name: A-1 FOOD MART
Business Location: 1005 E. 12TH STREET
Type of License: MALT BEVERAGE PACKAGE RETAIL

Time Period of License: **2013**

-2-

The City Clerk issue to said applicant, upon compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and the payment of all fees relative thereto, an alcoholic beverage license as applied for in the Code of Ordinances of the City of Tifton.

Read and passed at a meeting of the City Council of the City of Tifton, Georgia, held on July 1, 2013.

Attest:

Rona Martin,
Clerk of the City of Tifton

J.G. "Jamie" Cater Jr.,
Mayor of the City of Tifton



TIFTON
The Friendly City



City Clerk's Office - Business Licensing Division
204 N. Ridge Avenue - P.O. Box 229 - Tifton, GA 31793-0229
(229) 382-6231 - Fax (229) 391-3990
Website: <http://www.tifton.net> Email: cityclerk@tifton.net

ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New (X) Renewal ()

Amended: _____ Reason: _____

Business Name: A-1-FOOD MART

Licensee Name: GHOUSIA BEGUM

Business Location: 1005 12th ST E TIFTON GA 31794

Owner/Manager's Name: _____

Type of License

- Malt Beverage Package Retail
- Malt Beverage Consumption Retail
- Distilled Spirits Consumption Retail
- Wine Package Retail
- Wine Consumption Retail

Business Mailing Address 1005 12th ST E (TIFTON GA 31794)
City TIFTON State GA Zip Code 31794
Telephone Number (229) 382-8493

This Information Sheet is on:

Signature Ghousia Begum Date _____

Owner (X) Manager ()

CITY USE ONLY			
Criminal History Record	No Record ()	See Attachment ()	
The information submitted in the application has been investigated and/or reviewed by me and I recommend:			
Reasons For Denial: _____			
Signatures For Approval			
Chief of Police	<u>[Signature]</u>	Approval (X) Denied ()	Date <u>JUN 10 2013</u>
City Clerk	<u>[Signature]</u>	Approval (X) Denied ()	Date <u>6/12/13</u>
City Manager	<u>[Signature]</u>	Approval (X) Denied ()	Date <u>6-13-13</u>



City Clerk's Office - Business Licensing Division
 204 N. Ridge Avenue - P.O. Box 220 - Tifton, GA 31793-0229
 (229) 382-6231 - Fax (229) 391-3990
 Website: <http://www.tifton.net> Email: cityclerk@tifton.net

ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New ~~Renewal~~ ()

Amended: _____ Reason: _____

Business Name: A-1 Food Mart
 Licensee Name: Carol A. Turner
 Business Location: 1005 East 12th St. Tifton, ga. 31794
 Owner/Manager's Name: Ghousia Begum

Type of License

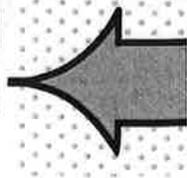
- Malt Beverage Package Retail
- Malt Beverage Consumption Retail
- Distilled Spirits Consumption Retail
- Wine Package Retail
- Wine Consumption Retail

Business Mailing Address 1005 East 12th St
 City Tifton State ga Zip Code 31794
 Telephone Number (229) 382-8493

This Information Sheet Is on:

Signature [Signature] Date _____
 Owner () Manager (X)

CITY USE ONLY			
Criminal History Record	No Record ()	See Attachment ()	
The information submitted in the application has been investigated and/or reviewed by me and I recommend:			
Reasons For Denial: _____			
Signatures For Approval			
James A. Smith Chief of Police	<u>[Signature]</u>	Approval (<u>X</u>) Denied ()	Date <u>JUN 10 2013</u>
Rona Martin City Clerk	<u>[Signature]</u>	Approval (<u>X</u>) Denied ()	Date <u>6/12/13</u>
Michael Vollmer City Manager	<u>[Signature]</u>	Approval (<u>X</u>) Denied ()	Date <u>6-13-13</u>



TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rona Martin, City Clerk
DATE: 06/19/2103
DEPARTMENT: City Clerk's Office
SUBJECT: Alcoholic Beverage License #04141



DATE: 06/20/2013
Workshop Meeting (x)
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

Del Sol Mexican Restaurant , located at 728 E. 5th Street, is requesting an amended alcoholic beverage license for malt & distilled spirits consumption retail. Mr. De La Paz currently holds a license for malt consumption and wishes to add distilled spirits consumption.

PROPOSED ACTION

Staff recommends approval of this request.

SUPPORTING INFORMATION

Background Information

- See attached.

Financial Implications

- Cost of the application and license is a total of \$1600.00 (this is for ½ year)

•

Pros and/or Cons

- n/a

Implementation

n/a

CITY OF TIFTON, GEORGIA
RESOLUTION NO. 2013-____
[Issuance of an Amended Alcoholic Beverage License]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, WITH RESPECT TO ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE BY THE CITY OF TIFTON, GEORGIA, TO **DEL SOL MEXICAN RESTAURANT** [APPLICANT] FOR PREMISES LOCATED AT **728 E. 5TH STREET**.

WHEREAS, it appears that the above referenced applicant has submitted a new application for the following described alcoholic beverage license for the above referenced location; and

WHEREAS, it appears to the satisfaction of the City Council, based upon said application and the investigation of city officials relative thereto, that the said applicant and location meet the requirements for the issuance of the alcoholic beverage license applied for, subject to compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, THAT:

-1-

The following described alcoholic beverage license application be and the same hereby is, granted [subject to the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and subject to compliance by the applicant as of the time of issuance thereof, as well as subsequent thereto, in all respects with the provisions, conditions, and requirements of Chapter 6 of the Code of Ordinances of the City of Tifton, Georgia]:

Alcoholic Beverage License Application No.: (04141)
Applicant Name: DEL SOL MEXICAN RESTAURANT
Business Location: 728 E. 5TH STREET
Type of License: MALT BEVERAGE CONSUMPTION RETAIL
Type of License: DISTILLED SPIRITS CONSUMPTION RETAIL

Time Period of License: **2013**

-2-

The City Clerk issue to said applicant, upon compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and the payment of all fees relative thereto, an alcoholic beverage license as applied for in the Code of Ordinances of the City of Tifton.

Read and passed at a meeting of the City Council of the City of Tifton, Georgia, held on July 1, 2013.

Attest:

Rona Martin,
Clerk of the City of Tifton

J.G. "Jamie" Cater Jr.,
Mayor of the City of Tifton



City Clerk's Office - Business Licensing Division
 204 N. Ridge Avenue - P.O. Box 229 - Tifton, GA 31793-0229
 (229) 382-6231 - Fax (229) 391-3990
 Website: <http://www.tifton.net> Email: cityclerk@tifton.net

ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New (✓) Renewal ()

Amended: yes Reason: Adding Distilled Spirits

Business Name: Taqueria Del Sol

Licensee Name: Herman De La Poz

Business Location: 728 E. 5TH St Tifton GA 31794

Owner/Manager's Name: Herman De La Poz

Type of License

- Malt Beverage Package Retail
- Malt Beverage Consumption Retail
- Distilled Spirits Consumption Retail
- Wine Package Retail
- Wine Consumption Retail

Business Mailing Address 728 E. 5TH St.
 City TIFTON State GA Zip Code 31794
 Telephone Number (229) 396-5085

This Information Sheet is on:

Signature Herman De La Poz Date 05-09-13
 Owner (✓) Manager (✓)

CITY USE ONLY			
Criminal History Record		No Record (✓) See Attachment ()	
The information submitted in the application has been investigated and/or reviewed by me and I recommend:			
Reasons For Denial: _____			
Signatures For Approval			
Chief of Police	<u>Duddy Dorchy</u>	Approval (✓) Denied ()	Date <u>MAY 31 2013</u>
City Clerk	<u>Rona Martin</u>	Approval (✓) Denied ()	Date <u>6/7/13</u>
City Manager	<u>Larry Osborne</u>	Approval (✓) Denied ()	Date <u>6-13-13</u>

TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rona Martin, City Clerk
DATE: 6/3/2013
DEPARTMENT: City Clerk's Office
SUBJECT: Alcoholic Beverage License #05191



DATE: 6/20/2013
Workshop Meeting
Regular Meeting
Called Meeting

EXECUTIVE SUMMARY

L.W. Group of Georgia, LLC dba Sam's Grocery & Grill, located at 1405 U.S. Hwy 41 N. is requesting an alcoholic beverage license for malt & wine beverage package retail. A background check on the owner, Larryl A. Watson revealed no violations.

PROPOSED ACTION

Staff recommend approval of the alcoholic beverage license and resolution

SUPPORTING INFORMATION

Background Information

See attached

Financial Implications

Cost of the application fee and license is a total of \$1,100.00

Pros and/or Cons

n/a

Implementation

License will be issued after council approval

CITY OF TIFTON, GEORGIA
RESOLUTION NO. 2013-_____
[Issuance of New Alcoholic Beverage License]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, WITH RESPECT TO ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE BY THE CITY OF TIFTON, GEORGIA, TO **L.W. GROUP OF GEORGIA, LLC, DBA "SAM'S GROCERY & GRILL** [APPLICANT] FOR PREMISES LOCATED AT **1405 U.S. HWY 41 N., TIFTON, GEORGIA, 31794.**

WHEREAS, it appears that the above referenced applicant has submitted a new application for the following described alcoholic beverage license for the above referenced location; and

WHEREAS, it appears to the satisfaction of the City Council, based upon said application and the investigation of city officials relative thereto, that the said applicant and location meet the requirements for the issuance of the alcoholic beverage license applied for, subject to compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, THAT:

-1-

The following described alcoholic beverage license application be and the same hereby is, granted [subject to the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and subject to compliance by the applicant as of the time of issuance thereof, as well as subsequent thereto, in all respects with the provisions, conditions, and requirements of Chapter 6 of the Code of Ordinances of the City of Tifton, Georgia]:

Alcoholic Beverage License Application No.: (05191)
Applicant Name: L.W. GROUP OF GEORGIA, LLC, dba "SAM'S GROCERY & GRILL
Business Location: 1405 U.S. Hwy 41 N.
Type of License: MALT BEVERAGE PACKAGE RETAIL
Type of License: WINE PACKAGE RETAIL

Time Period of License: **2013**

-2-

The City Clerk issue to said applicant, upon compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and the payment of all fees relative thereto, an alcoholic beverage license as applied for in the Code of Ordinances of the City of Tifton.

Read and passed at a meeting of the City Council of the City of Tifton, Georgia, held on

_____, 2013.

Attest:

Rona Martin,
Clerk of the City of Tifton

J.G. "Jamie" Cater Jr.,
Mayor of the City of Tifton



City Clerk's Office - Business Licensing Division
 204 N. Ridge Avenue - P.O. Box 229 - Tifton, GA 31793-0229
 (229) 382-6231 - Fax (229) 391-3990
 Website: <http://www.tifton.net> Email: cityclerk@tifton.net

ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New Renewal ()

Amended: _____ Reason: _____
 Business Name: SAM'S GROCERY & GRILL
 Licensee Name: LARRY A. WATSON
 Business Location: 1405 U.S. HWY. 41 N.
 Owner/Manager's Name: LARRY A. WATSON

Type of License

- Malt Beverage Package Retail Wine Package Retail
 Malt Beverage Consumption Retail Wine Consumption Retail
 Distilled Spirits Consumption Retail

Business Mailing Address P.O. BOX 1908
 City TIFTON State GA Zip Code 31793
 Telephone Number 229 382-0663

This Information Sheet is on:

Signature Larry A. Watson Date 05/30/13
 Owner Manager ()

CITY USE ONLY			
Criminal History Record	No Record <input checked="" type="checkbox"/>	See Attachment ()	
The information submitted in the application has been investigated and/or reviewed by me and I recommend:			
Reasons For Denial: _____			
Signatures For Approval			
Chief of Police	<u>Buddy Dandy</u>	Approval <input checked="" type="checkbox"/> Denied ()	Date <u>JUN -4 2013</u>
City Clerk	<u>Rona Martin</u>	Approval <input checked="" type="checkbox"/> Denied ()	Date <u>6/6/13</u>
City Manager	<u>Larry P. Rinin</u>	Approval <input checked="" type="checkbox"/> Denied ()	Date <u>6-6-13</u>

TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rona Martin, City Clerk
DATE: 06/19/2103
DEPARTMENT: City Clerk's Office
SUBJECT: Alcoholic Beverage License #05206



DATE: 06/20/2013
Workshop Meeting (x)
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

Verona's Italian Restaurant & Pizzeria , located at 212 Main Street, is requesting an alcoholic beverage license for malt beverage package retail. Background checks on the owner revealed no violations.

PROPOSED ACTION

Staff recommends approval of this request.

SUPPORTING INFORMATION

Background Information

- See attached.

Financial Implications

- Cost of the application and license is a total of \$600.00.

Pros and/or Cons

- n/a

Implementation

n/a

CITY OF TIFTON, GEORGIA
RESOLUTION NO. 2013-_____
[Issuance of a New Alcoholic Beverage License]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, WITH RESPECT TO ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE BY THE CITY OF TIFTON, GEORGIA, TO **VERONA'S ITALIAN RESTAURANT & PIZZERIA** [APPLICANT] FOR PREMISES LOCATED AT **212 MAIN STREET**.

WHEREAS, it appears that the above referenced applicant has submitted a new application for the following described alcoholic beverage license for the above referenced location; and

WHEREAS, it appears to the satisfaction of the City Council, based upon said application and the investigation of city officials relative thereto, that the said applicant and location meet the requirements for the issuance of the alcoholic beverage license applied for, subject to compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA, THAT:

-1-

The following described alcoholic beverage license application be and the same hereby is, granted [subject to the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and subject to compliance by the applicant as of the time of issuance thereof, as well as subsequent thereto, in all respects with the provisions, conditions, and requirements of Chapter 6 of the Code of Ordinances of the City of Tifton, Georgia]:

Alcoholic Beverage License Application No.: (05206)
Applicant Name: VERONA'S ITALIAN RESTAURANT & PIZZERIA
Business Location: 212 MAIN STREET
Type of License: MALT BEVERAGE CONSUMPTION RETAIL
Type of License: WINE BEVERAGE CONSUMPTION RETAIL

Time Period of License: **2013**

-2-

The City Clerk issue to said applicant, upon compliance by said applicant with the provisions of Chapter 6 of the Code of Ordinances of the City of Tifton and the payment of all fees relative thereto, an alcoholic beverage license as applied for in the Code of Ordinances of the City of Tifton.

Read and passed at a meeting of the City Council of the City of Tifton, Georgia, held on July 1, 2013.

Attest:

Rona Martin,
Clerk of the City of Tifton

J.G. "Jamie" Cater Jr.,
Mayor of the City of Tifton

05206



City Clerk's Office - Business Licensing Division
204 N. Ridge Avenue - P.O. Box 229 - Tifton, GA 31793-0229
(229) 382-6231 - Fax (229) 391-3990
Website: http://www.tifton.net Email: cityclerk@tifton.net

ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New (✓) Renewal ()

Amended: _____ Reason: _____

Business Name: Verona's Italian Restaurant + Pizzeria

Licensee Name: Veronica Cervantes

Business Location: 212 Main St.

Owner/Manager's Name: Veronica Cervantes

Type of License

- Malt Beverage Package Retail
- Malt Beverage Consumption Retail
- Distilled Spirits Consumption Retail
- Wine Package Retail
- Wine Consumption Retail

Business Mailing Address PO Box 501

City Omega State GA Zip Code 31775

Telephone Number (229) 848-5270

This Information Sheet is on:

Signature Veronica Cervantes Date 6/11/13

Owner (✓) Manager ()

CITY USE ONLY

Criminal History Record No Record (✓) See Attachment ()

The information submitted in the application has been investigated and/or reviewed by me and I recommend:

Reasons For Denial: _____

Signatures For Approval

Chief of Police D. Dancy Approval (✓) Denied () Date 6-17-13

City Clerk Rona Martin Approval (✓) Denied () Date 6/18/13

City Manager Greg B. B... Approval (✓) Denied () Date 6-20-13

TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rob Wilmot, City Attorney
DATE: 06/19/2013
DEPARTMENT:
SUBJECT: Golf Cart Ordinance



DATE: 06/20/2013
Workshop Meeting (x)
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

The attached is an amended ordinance providing for golf carts.

PROPOSED ACTION

Resolved that said ordinance shall be approved.

SUPPORTING INFORMATION

Background Information

- See attached.

Financial Implications

Pros and/or Cons

- To be determined during Council discussion.

CITY OF TIFTON

**CITY OF TIFTON GEORGIA
ORDINANCE NO. 2013 - _____**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TIFTON TO PROVIDE FOR THE USE AND OPERATION OF MOTORIZED CARTS ON THE MUNICIPAL STREETS; TO PROVIDE FOR THE REGISTRATION OF MOTORIZED CARTS; TO PROVIDE FOR OPERATIONAL AND EQUIPMENT REQUIREMENTS FOR MOTORIZED CARTS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Mayor and City Council of the City of Tifton hereby ordains and does hereby adopt Article IV, Chapter 78 of the Code of Ordinances for the City of Tifton the following:

Chapter 78

Article IV. - MOTORIZED CARTS

Sec. 78-151. - Findings; Definitions.

Sec. 78-152. - Registration.

Sec. 78-153. - Revocation.

Sec. 78-154. - Transfer

Sec. 78-155. - Operation regulations.

Sec. 78-156. - Equipment.

Sec. 78-157. - Liability.

Sec. 78-158. - Penalties.

Sec. 78-159. - Vehicle for hire.

Sec. 78-151. - Findings; Definitions.

The Tifton City Council finds that the municipal streets located within the corporate limits of the city, other than the streets hereinafter specifically excepted, are designed and constructed so as to safely permit their use by Motorized carts (as hereinafter defined) in combination with regular vehicular traffic.

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

Driver means the person driving and having physical control over a Motorized Cart.

Motorized cart means any motor vehicle that has no less than three wheels, capable of a maximum level ground speed of less than 20 miles per hour with a maximum gross vehicle unladen or empty weight of 1,300 pounds, and is commonly referred to as golf carts. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs (including four-wheelers, mules, gators) and mobility aids.

Owner means the person holding title to the motorized cart or who has a majority ownership interest of the motorized cart.

Parking area means those areas accessible to the public by motor vehicular traffic and which are designated for the temporary parking of motor vehicles, usually in places referred to as parking lots.

Authorized Street means the public roadways of the city by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- (1) Has a posted speed limit of 35 miles per hour or less;
- (2) Provides for no more than one lane of vehicular traffic per direction;
- (3) Is not designated as part of either the state or federal highway system;
- (4) Has not been designated as an Unauthorized Street by ordinance or resolution by the City Council.

Unauthorized Street means the public roadways of the city by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that has been designated by the City Council by ordinance or resolution as an unauthorized street.

Sec. 78-152. - Registration.

Before any motorized cart may be operated over an authorized street or parking area of the city it shall be registered with and inspected by the Tifton Police Department. If the motorized cart is compliant with local and

State law, then a decal shall be issued from that department signifying its registration. The registration requirements include the following specifics:

- (1) Only those persons 18 years of age or older may register a motorized cart;
- (2) The person registering the motorized cart is the Owner of the motorized cart.
- (3) The decal received from the Tifton Police Department upon registration shall be attached and displayed upon the motorized cart so as to be plainly visible.
- (2) The registration application shall be made on a form supplied by the City and shall contain the following information:
 - a. Name and address of owner.
 - b. Model, make, name and motorized cart identification number.
 - c. Current driver's license number of owner and all authorized drivers.
 - d. Such other information which the City may require.
- (3) The registration application shall be accompanied by a fee of \$15.00.
- (4) The registration application shall be accompanied by evidence of personal liability insurance coverage consistent with the minimum requirements of Georgia law for operational motor vehicles.
- (5) The registration shall be effective until such time as revoked or the motorized cart is transferred to a new owner. If the registered owner transfers ownership of the motorized cart, the registered owner must notify the Tifton Police Department of the transfer.
- (6) It shall be the Owner of the motorized carts responsibility to ensure the information on the application remains current and accurate.

The Tifton City Council may, at its discretion, waive registration requirements for city sponsored special events of a limited duration.

Sec. 78-153. - Revocation.

The registration permit may be revoked if:

- (1) The permit holder no longer has a valid driver's license.
- (2) The owner or driver of a motorized cart fails to abide by the rules and regulations of this article.

- (3) The owner or driver of a motorized cart fails to abide by the traffic laws in the use of a motorized cart on an Authorized Street or parking area.

Sec. 78-154. - Transfer.

Upon transfer of ownership of the motorized cart to a person who intends to operate it over the Authorized Streets and parking areas, the new owner must register the motorized cart as outlined hereinabove in section 78-152. Such registration by the new owner must occur within ten days of the transfer of ownership.

Sec. 78-155. - Operation regulations.

- (a) It shall be unlawful to operate a motorized cart on any street within the city of Tifton that is not an Authorized Street.
- (b) Only those persons who hold a valid motor vehicle driver's license and who are on the approved driver's list provided by the owner to the Tifton Police Department at the time of registration may drive a motorized cart on the Authorized Streets and parking areas of the city.
- (c) All drivers of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the Authorized Streets and parking areas of the city.
- (d) A motorized cart shall not be operated on the sidewalks at any time.
- (d) A motorized cart may be operated over those Authorized Streets and parking areas only during daylight areas unless such motorized cart is equipped with functional headlights, taillights and turn signals.
- (f) Every driver of a motorized cart shall be granted all the rights and shall be subject to all of the rules of the road and duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article and to those provisions of this chapter which by their nature can have no application.
- (g) All motorized carts are entitled to a full use of a lane on the Authorized Streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- (h) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (i) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines of rows of vehicles.

- (j) The driver of a motorized cart operating on an Authorized Street may cross a multi-lane road only at a signalized intersection designated for such purpose.
- (k) The driver of a motorized cart operating on an Authorized Street may cross a state or federal route only at intersections that have been designated for such purpose by the Georgia Department of Transportation.
- (l) All laws and ordinances relative to alcohol and its use, including open container laws, which apply to traffic on the streets of the city shall also apply to drivers and occupants of motorized carts.
- (m) All drivers and passengers must remain seated at all times during the operation of the motorized cart. No person may sit on the driver's lap during the operation of the motorized cart.

Sec. 78-156. - Equipment.

Each motorized cart shall display an amber strobe light so as to warn approaching travelers to decrease their speed because of the danger of colliding with such vehicle. Such amber strobe light shall be mounted in a manner so as to be visible under normal atmospheric conditions from a distance of 500 feet from the front and rear of such vehicle.

Sec. 78-157. - Liability.

Nothing in this article shall be construed as an assumption of liability by the City of Tifton for any injuries to persons or property which may result from the operation of a motorized cart or by the failure of the city to revoke said permit.

Sec. 78-158. - Penalties.

Any person who violates the terms of this article shall be punished as follows:

In addition to whatever violations the driver of the motorized cart may be subject to pursuant to Georgia law and elsewhere found within the Code of Ordinances and the City Charter, the registered owner of the motorized cart shall be subject to the following civil penalties:

- (1) For the first offense, a fine of not less than \$50.00; and, if not timely paid, revocation of the permit.
- (2) For the second offense, a fine of not less than \$100.00; and, if not timely paid, revocation of the permit.

(3) For the third offense, the registration for the motorized cart shall be revoked. In the event the registration is revoked under this section, the motorized cart cannot thereafter be re-registered by the same owner or any family member for a period of two years. Further, such other penalties shall be applied as provided in the Code of Ordinances and City Charter in the sound discretion and judgment of the presiding Judge of the Municipal Court of the City of Tifton.

Sec. 78-159. - Vehicle for hire.

Under no circumstances whatsoever can a motorized cart be used as a vehicle for hire as such term is described and used in Chapter 90 of this code.

The effective date of this ordinance shall be the date of adoption hereof.

Read and passed on first reading and adopted at a meeting of the City Council of the City of Tifton held on the 1st day of July, 2013.

J.G. "Jamie" Cater, JR.

Mayor

Approved as to Form:

Attest:

Robert C. Wilmot

City Attorney

Rona Martin

City Clerk



TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Rob Wilmot
DATE: 6/19/2013
DEPARTMENT: City Attorney's Office
SUBJECT: Ordinance Establishing Policy & Procedures for Unsafe Dwellings, Buildings, Structures, or Properties

DATE: 6/20/2013
Workshop Meeting ()
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

Ordinance establishing procedures to properly secure and maintain: dwellings, buildings, structures, or properties; which are considered a nuisance or unsafe. The ordinance also establishes procedures to follow when property owners fail to comply with the required guidelines.

PROPOSED ACTION

Adoption of the proposed ordinance and procedures

SUPPORTING INFORMATION

Background Information

Financial Implications

- Is this a budgeted item ____yes or x no.
- Current available budgeted amount: none only staff time required.

Pros and/or Cons

- The city will have updated procedures for handling unsafe or nuisance properties

Implementation

- Procedures will be enforced through environmental management/code enforcement office

CITY OF TIFTON

**CITY OF TIFTON GEORGIA
ORDINANCE NO. 2013 - _____**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TIFTON TO PROVIDE FOR THE DECLARATION AS PUBLIC NUISANCES DWELLINGS, BUILDINGS, STRUCTURES OR PROPERTIES WHICH ARE UNFIT FOR HUMAN HABITATION OR FOR COMMERCIAL, INDUSTRIAL, OR BUSINESS USES DUE TO DILAPIDATION AND NOT IN COMPLIANCE WITH APPLICABLE CODES; WHICH HAVE DEFECTS INCREASING THE HAZARDS OF FIRE, ACCIDENTS, OR OTHER CALAMITIES; WHICH LACK ADEQUATE VENTILATION, LIGHT OR SANITARY FEATURES; OR WHERE OTHER CONDITIONS EXIST RENDERING SUCH DWELLINGS, BUILDINGS, STRUCTURES OR PROPERTIES UNSAFE OR UNSANITARY OR DANGEROUS OR DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE, OR OTHERWISE INIMICAL TO THE WELFARE OF THE RESIDENTS OF THE CITY OF TIFTON; OR WHICH ARE VACANT AND BEING USED IN CONNECTION WITH THE COMMISSION OF DRUG CRIMES; TO PROVIDE THE IDENTIFICATION AND ABATEMENT OF SAID DWELLINGS, BUILDINGS, STRUCTURES OR PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The City Council of the City of Tifton hereby ordains that:

I.

AMENDMENT TO CODE OF ORDINANCES

Chapter 38, Article III, Division 5 of the Code of Ordinances shall be amended by deleting the current enumerated Sections contained therein and substituting in lieu thereof the following:

ARTICLE III. NUISANCES

DIVISION 5

UNSANITARY, UNSAFE AND UNFIT BUILDINGS, DWELLINGS AND STRUCTURES

Sec. 38-216 - Authority, scope and applicability.

Sec. 38-217. - Definitions.

Sec. 38-218. - Unsafe dwellings, buildings, structures, or properties.

Sec. 38-219. - Procedures and requirements to secure structures for up to three years.

Sec. 38-220. - Procedures and requirements temporarily to secure structures for up to sixty days pending compliance by demolition or

repair.

Sec. 38-221. - Reoccupying a secured building or structure.

Sec. 38-222. - Inspection, complaint, hearing and order.

Sec. 38-223. - Failure to comply with order to repair or to demolish.

Sec. 38-224. - Demolition.

Sec. 38-225. - Lien on property.

Sec. 38-226. - Service of complaints, notices, orders and other filings.

Sec. 38-227. - Nuisance conditions on property.

Sec. 38-228. - Eminent domain.

Sec. 38-229. - Right to enter and inspect.

Sec. 38-230. - Powers of public officer.

Sec. 38-231. - Code of Georgia.

Sec. 38-232. - Injunctions.

Secs. 38-233 through 38-250 Reserved

Sec. 38-216. - Authority, scope and applicability.

(a) This chapter is enacted pursuant to the provisions of Title 41, Chapter 2, Sections 7 through 17, as amended, of the Official Code of Georgia Annotated. O.C.G.A. § 41-2-7 specifies the scope and purpose of this chapter. All powers and authorities granted to public officers and public authorities by the statute are hereby incorporated by reference so as to be assumed, delegated and granted pursuant to this chapter. The Mayor and City Council for the City of Tifton specifically finds that conditions of the character described in O.C.G.A. § 41-2-7 exist within the City of Tifton due to dwellings, buildings, structures or properties which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light or sanitary features; or where other conditions exist rendering such dwellings, buildings, structures or properties unsafe or unsanitary or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City of Tifton; or which are vacant and being used in connection with the commission of drug crimes. Such dwellings, buildings, structures or properties are declared to be a public nuisance. Power is conferred upon the City of Tifton to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, structures or properties as provided in this chapter.

(b) All the provisions of this chapter may also be applied to private property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity. A finding by any governmental health department, health officer, public officer or City of Tifton Director of Environmental Management that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this chapter.

(c) The provisions of this chapter shall apply to both residential and nonresidential property within the City of Tifton whether being occupied or not and whether being developed or not.

Sec. 38-217. - Definitions.

(a) *Specific terms defined.* As used in this chapter, the following words, terms and definitions shall apply:

- (1) "Applicable codes" means (A) any optional housing or abatement standard as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (B) any fire or life safety code as provided for in Chapter 2 of Title 25 of the Official Code of Georgia Annotated (O.C.G.A.); and (C) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 of the Official Code of Georgia Annotated (O.C.G.A.) after October 1, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
- (2) "Closing" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
- (3) "Drug crime" means an act which is a violation of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, known as the "Georgia Controlled Substances Act."
- (4) "Dwellings, buildings, or structures" means any building or structure or part thereof used and occupied for human

habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this chapter, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

- (5) "Governing authority" means the Mayor and City Council of the City of Tifton, Georgia.
- (6) "Interested party" means:
 - a. Owner;
 - b. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
 - c. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
 - d. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the Tift County Courthouse or by the clerk of the court. "Interested party" shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
 - e. Persons in possession of said property and premises.
- (7) "Municipal court" means the Municipal Court of Tifton, Georgia.
- (8) "Owner" means the holder of the title in fee simple and every mortgagee of record.
- (9) "Public authority" means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the City of Tifton, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the City

of Tifton.

(10) "Public officer" means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7 through 41-2-17 and by this chapter to exercise the powers prescribed by this chapter or any agent of such officer or officers. For the purposes of this chapter the City Manager or his designee shall exercise the primary responsibilities prescribed by this chapter and shall be the "public officer" defined in O.C.G.A. § 41-2-8(10). The City of Tifton Director of Environmental Management, or his designees, is hereby designated as the public officer as defined herein.

(11) "Repair" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(12) "Resident" means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose."

(b) *Definitions incorporated by reference.* To the extent not stated above, the definitions set forth in O.C.G.A. § 41-2-8 are incorporated herein by reference.

Sec. 38-218. - Unsafe dwellings, buildings, structures, or properties.

(a) *Duty of the owner of dwellings, buildings, structures or properties.* It is the duty of the owner of every dwelling, building, structure, or property within the City of Tifton to construct and to maintain such dwelling, building, structure or property in conformance with applicable codes in force in the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.

(b) *Standards for determining unfitness for habitation of unsafe dwellings, buildings or structures.* The public officer may determine, under existing ordinances, that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions

exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building or structure; of the occupants of neighborhood dwellings, buildings or structures; or of other residents of the City of Tifton. Such building, dwelling, or structure is illegal and shall be abated by repair, demolition, or qualify for a secured building status in accordance with this chapter. Such conditions may include the following without limiting the generality of the foregoing:

- (1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- (2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire resistive ratings, which is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the stresses allowed in the Georgia State Building Code for new buildings.
- (4) The building, dwelling or structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to damage and is less than the minimum requirement established by the Georgia State Building Code for new buildings.
- (5) Any exterior appendage or portion of the building, dwelling or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Georgia State Building Code for new buildings.
- (6) If for any reason the building, dwelling, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) The building, dwelling, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
- (8) The building, dwelling, structure or portion thereof has been constructed or maintained in violation of a specific

requirement of the standard codes or of a city, county or state law.

(9) Any building, dwelling, structure or portion thereof that is in such a condition as to constitute a public nuisance.

(10) Any building, dwelling, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise a danger to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, disrepair, uncleanness, structural defects, dilapidation, obsolescence, abandonment, or any defects to any building, structure or dwelling or portion thereof increasing the hazards of fire, accidents, or other calamities.

(c) *Standards for determining unfitness for habitation dwellings, buildings or structure being used in connection with drug crimes.* The public officer may determine, under existing ordinances, that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or upon report of a law enforcement agency and evidence of drug crimes being committed.

(d) *Property endangering the public health or safety.* Any property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity is illegal and in violation of this chapter. A finding by any governmental health department, health officer, public officer or the City of Tifton Director of Environmental Management that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this chapter.

Sec. 38-219. - Procedures and requirements to secure structures for up to three years.

The following procedures and requirements must be met in order to secure structures pending repairs.

(1) It shall be unlawful for a building owner to secure or cause to be secured a building without first obtaining a secured structure permit from the public officer. The owner must apply for and be approved for a secured

structure permit and pay the required fees in the amount of \$50.00; and the public officer and/or building official shall then inspect such structure.

- (2) To qualify for secured status, the building must be structurally sound (walls and roof); otherwise, the secured structure permit will be denied.
- (3) The repairs needed to bring the structure into compliance with the Property Maintenance Code must not represent a cost that exceeds one-half of the fair market value of the structure as determined by the current ad valorem tax valuation or by an appraisal by a Georgia licensed appraiser. The property owner must provide, along with the application for a secured structure permit, a cost estimate for repairs and a valuation appraisal of the structure to the public officer for review and approval.
- (4) The property owner must provide, along with the application for a secured structure permit, a schedule of repairs subject to the review and approval of the public officer.
- (5) If the building is structurally sound, nonstructural interior portions (electrical wiring, plumbing, etc.) need not comply with appropriate codes while in secured status.
- (6) Building or structure must remain vacant while in secured status.
- (7) The Secured Structure Permit must be posted on the front of the building in a clearly visible location while the structure remains in secured status.
- (8) All utilities must remain turned off while in secured status unless otherwise approved by the Public Officer.
- (9) Building must be secured, windows and doors covered and secured in accordance with the requirements of the International Property Maintenance Code.
- (10) The Public Officer shall notify the Police Chief and Fire Chief of buildings that have been approved for secured status by the issuance of a secured structure permit and also shall provide notification when the secured status permit has expired or has otherwise been revoked.
- (12) It shall be unlawful for any person to enter or be inside a secured building or structure, except for the owner or duly authorized agent. Any person violating any provision of this paragraph shall, upon conviction thereof, be punished as provided in section 1-11.

- (13) All secured structures must be maintained in a manner which minimizes the appearance of vacancy, including the prompt removal of graffiti.
- (14) All secured structures shall be maintained in a manner which does not create an unreasonable risk of fire, including the removal of weeds and the proper maintenance of grass areas which may constitute a fire hazard. No secured structure or portion thereof may be used for the storage of flammable liquids or other materials which would constitute a safety or fire hazard.
- (15) All secured structures including all adjoining yard areas shall be maintained free of debris, solid waste, combustible materials, litter, and garbage.
- (16) All exterior surfaces shall be applied with sufficient paint, stucco, or other finishes, in the same color or similar color as the adjoining areas, to weatherproof the vacant structure and to create a sufficient appearance of repair to deter unauthorized occupation.
- (17) It shall be unlawful for any person to remove securing material on a secured building or structure. Any person violating any provision of this paragraph shall, upon conviction thereof, be punished as provided in section 1-11.
- (18) The secured structure permit is valid for a period of 12 months from the issue date. The owner may make application for a secured structure permit for an additional 12 months. The owner must provide the documentation listed in (3) and (4) above along with the application and fee. The application for renewal shall be made no later than 30 days prior to the expiration of the current secured structure permit. Renewal of the permit is subject to the approval by the Public Officer and upon denial of the application to renew, the property will be subject to immediate nuisance abatement action. The secured structure permit may be renewed twice for a total of 36 months subject to the approval of the Public Officer.
- (19) Periodic inspections of the structure and property will be performed by a code enforcement officer and/or building official. A report detailing the inspector's findings shall be included in the case file. If compliance with all of the requirements of this chapter is not present at the time of the inspection, enforcement action will be taken. In

- addition, the secured structure permit may be revoked by the Public Officer and nuisance abatement action initiated.
- (20) It shall be unlawful for the holder of the secured building/structure permit during the permit year to violate any of the provisions of paragraphs (1) through (19) above. Any person violating any provision of these paragraphs shall, upon conviction thereof, be punished as provided in section 1-11.

Sec. 38-220 - Procedures and requirements temporarily to secure structures for up to sixty days pending compliance by demolition or repair.

The following procedures and requirements must be met in order temporarily to secure structures or temporarily to restrict access to a property prior to demolition of a structure or obtaining a building permit for the reconstruction of the structure:

- (1) The Public Officer or the owner must have determined that the structure represents a hazard to life safety to the public and that such risk cannot be eliminated by affordable repairs as defined in Sec. 38-219(3).
- (2) It shall be unlawful for a building owner to secure or cause to be secured such a building without first obtaining a Temporary Secured Structure Permit from the Public Officer.
- (3) A Temporary Secured Structure Permit may be issued by the Public Officer for a maximum time period of 60 days prior to the repair or demolition of a structure which has been identified by the Public Officer as a nuisance. This temporary, short-term permit is for the purpose of restricting access to a structure or site that may pose an immediate hazard to life safety.
- (4) The owner must obtain a Temporary Secured Structure Permit from the Public Officer for any structure that has been identified as a nuisance by the Public Officer so that the structure will remain secure until a building permit or demolition permit is issued and work has commenced on the repairs or demolition. Along with an application for a secured structure permit pending demolition or repair, the owner must provide to the Public Officer a schedule for repair or demolition and payment of the required fees

in the amount of \$25.00.

- (5) The building must be secured, windows and doors covered and secured. If the condition of the building prevents securing of the windows and doors, the site must be fenced in order to deter unauthorized entry to the property.
- (6) All secured structures including all adjoining yard areas shall be maintained free of debris, solid waste, combustible materials, litter, and garbage.
- (7) The Temporary Secured Structure Permit must be posted on the front of the building in a clearly visible location while the structure remains in secured status.
- (8) It shall be unlawful for the holder of a Temporary Secured Structure Permit issued by the Public Officer, pending compliance by demolition, to violate any of the provisions in paragraphs (1) through (7) in this section. Any person violating these provisions shall, upon conviction thereof, be punished as provided in section 1-11.

Sec. 38-221. - Reoccupying a secured building or structure.

Before a building or structure can be reoccupied:

- (1) That portion of the building or structure that necessitated its closure must be brought into compliance with building/fire codes;
- (2) The building or structure must be re-inspected by the public officer and/or building official;
- (3) Approval of required plans, if applicable; historic preservation, if applicable; request and purchase of all required building permits, sub-trade permits, etc., as may be required, for compliance with construction codes.
- (4) No utilities shall be turned on until full compliance with construction codes (temporary service is permitted if necessary for construction work to bring building back in to compliance with construction codes).

Sec. 38-222. - Inspection, complaint, hearing and order.

- (a) Whenever a request is filed with the Director of Environmental Management by any public authority or by at least five residents of The City of Tifton or by the Director of Environmental

Management on his own information charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property.

(b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, structure or property. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court, at a date and time certain and at a place within the City of Tifton where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the municipal court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(c) If, after such notice and hearing, the court determines that the dwelling, building, structure, or property in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall

state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

- (1) If the repair, alteration, or improvement of the said dwelling, building, structure or property can be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure or property so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- (2) If the repair, alteration, or improvement of the said dwelling, building, structure or property in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and/or all debris from the property. For purposes of this Code section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, structure or property without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factors in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 43 of the Official Code of Georgia Annotated, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure or property shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

Sec. 38-223. - Failure to comply with order to repair or to demolish.

- (a) If the owner fails to comply with an order to repair or demolish the dwelling, building, structure, or property, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'

- (b) In addition, the placard shall bear the date posted, street address and number of the building involved and the signature of the director of the building inspection department. It shall thereafter be unlawful for any person to mutilate or remove such placard or for such building to be occupied until the required corrective action is taken.

Sec. 38-224. - Demolition

No person shall begin demolition until a permit for demolition has been obtained and all utilities have been cut off and capped at the street. The person who has secured the permit shall remove from the property all debris, trash, litter, rubbish, rubble and foundation exposed above the ground level; fill any excavation or other depressions to existing grade with clean dirt containing no more than

25 percent stone or masonry; and adequately slope and drain all filled areas as determined by the Director of Environmental Management.

Sec. 38-225. - Lien on property.

- (a) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (b) The amount of the costs of repair or demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner, and all other costs necessarily associated with the abatement action, including but not limited to restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (c) The lien provided for in paragraph (b) above shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice required under this chapter. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- (d) Upon final determination of costs, fees, and expenses incurred in accordance with this chapter, the public officer responsible for enforcement actions in accordance with this chapter shall transmit to the county tax commissioner a statement of the total amount due and secured by said lien, together with copies of all notices

provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of the county tax commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48 of the Official Code of Georgia Annotated; provided, however, that the limitation of Code Section 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. A county tax commissioner shall collect and enforce liens imposed pursuant to this chapter in accordance with O.C.G.A. § 48-5-359.1. The county tax commissioner shall remit the amount collected to the governing authority of The City of Tifton.

- (e) Enforcement of liens pursuant to this section may be initiated at any time following receipt by the county tax commissioner of the final determination of costs in accordance with this chapter. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this chapter.
- (f) The redemption amount in any enforcement proceeding pursuant to this section shall be the full amount of the costs as finally determined in accordance with this section together with interest, penalties, and costs incurred by the governing authority and/or county tax commissioner in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
- (g) The governing authority of the City of Tifton may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City of Tifton agreeing to a timetable for rehabilitation of the real property or the dwelling, building or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
- (h) Where the abatement action does not commence in superior court, review of the court order requiring the repair, alteration, improvement, or demolition of a building, dwelling or structure

shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

- (i) In addition to the procedures and remedies in this chapter, the public officer or his designee may issue citations for violations of state minimum codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard and general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this chapter.
- (j) Nothing in this chapter shall impair or limit in any way the power of The City of Tifton to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 38-226. - Service of complaints, notices, orders and other filings.

- (a) Complaints issued by a public officer pursuant to this chapter shall be served in the following manner: At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- (b) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
- (c) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (d) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Code

section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. 38-227. - Nuisance conditions on property.

Without limiting the generality of the provisions of section 3-13-3, paragraph (d), conditions constituting an endangerment to the health or safety of persons residing or working in the vicinity may include but are not limited to the following:

- (1) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of The City of Tifton.
- (2) Maintaining a dangerous or diseased animal or fowl.
- (3) The external or outdoor storage or use of refrigerators, freezers, stoves, air conditioners, and any other appliances shall be unlawful, except for those appliances held in connection with a licensed commercial establishment operated in an appropriately zoned district, or the residential use of one such appliance operated externally by the residents of the premises. All such appliances permitted to be stored externally shall be of the type that does not close or lock automatically. Any person violating any provision of this subparagraph shall, upon conviction thereof, be punished as provided in section 1-11.
- (4) Stagnant water on premises.
- (5) An accumulation of weeds, trash, junk, filth, or other unsanitary and unsafe conditions that create a public health hazard or a general nuisance to those persons residing in the vicinity.
- (6) Any other condition constituting a nuisance under state law.

Sec. 38-228. - Eminent domain.

Nothing in this chapter shall be construed to prevent the owner of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of the State of Georgia or to permit any property to be

condemned or destroyed except in accordance with the police power of this state. Procedures under this chapter shall not constitute the exercise of the power of eminent domain by The City of Tifton.

Sec. 38-229. - Right to enter and inspect.

The public officer, or designee, or any person authorized to enforce this chapter, and any sworn officer of the police department shall be empowered to enter any property and structure at reasonable times to inspect the condition or work being performed thereon or therein.

Sec. 38-230. - Powers of public officer.

The public officer is hereby authorized to exercise the following powers in addition to the other powers granted and set forth in this chapter:

- (1) To investigate the dwelling conditions in The City of Tifton in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purposes of making examinations; provided, however, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

Sec. 38-231. - Code of Georgia.

Any reference to the Official Code of Georgia Annotated or O.C.G.A. shall include any amendment to a cited section as subsequently adopted.

Sec. 38-232. - Injunctions.

Any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be heard by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction pursuant to O.C.G.A. § 41-2-13.

Secs. 38-233 through 38-250 Reserved

II.
GENERAL REPEALER

To the extent that any other ordinance, portion of an ordinance or resolution of the City of Tifton now in effect is inconsistent with the provisions hereof, the same are repealed.

III.
EFFECTIVE DATE

The effective date of this ordinance shall be the date of adoption hereof.

Read and passed on first reading and adopted at a meeting of the City Council of the City of Tifton held on the 1st day of July, 2013.

J.G. "Jamie" Cater, JR.
Mayor

Approved as to Form:

Attest:

Robert C. Wilmot
City Attorney

Rona Martin
City Clerk

TIFTON CITY COUNCIL AGENDA ITEM

TO: Tifton City Council
FROM: Bert D. Crowe, Director COT-EMD
DATE: June 20, 2013
DEPARTMENT: Environmental Management
SUBJECT: City of Tifton Map Amendment



DATE: June 20, 2013
Workshop Meeting (X)
Regular Meeting ()
Called Meeting ()

EXECUTIVE SUMMARY

As a result of the adoption of the current Land Development Code in July 2012, there have been expected zoning map conflicts found since the adoption. This Map Amendment is to correct noted conflicts.

PROPOSED ACTION

Resolved that Map Amendment ZA13-000-003 shall be approved.

SUPPORTING INFORMATION

Background Information

- This is the second round of blanket changes in the zoning map due to the changes created by the adoption of the LDC.
- The Changes have been reviewed and approved by the City of Tifton Planning and Zoning Board.

Financial Implications

- There are no financial implications.

Pros and/or Cons

- Pros-The Proposed Zoning Map changes will correct several zoning inconsistencies created by the current Land Development Code.
- Cons- None

Implementation

- The proposed Map Amendment changes would go into effect as soon as approval is given by Council.
- The Environmental Management Department lead by Bert D. Crowe, Director will be charged with implementing proposed changes.

CITY OF TIFTON
ORDINANCE NO. 2013- _____

AN ORDINANCE AMENDING THE CITY OF TIFTON LAND DEVELOPMENT CODE, CHANGING THE ZONING MAP TO MAKE THE CURRENT ZONING MAP CONSISTENT WITH ZONING DISTRICTS AS ADOPTED IN THE LAND DEVELOPMENT CODE.

BE IT ORDAINED by the Mayor and City Council of the City of Tifton that from and after the passage of this Ordinance, both the City of Tifton Land Development Code, adopted by the Mayor and City Council July 2, 2012 and the Greater Tift County Comprehensive Plan, is amended and stands amended as follows:

Boundaries of the Zoning Districts of the City of Tifton are shown on the map entitled "City of Tifton Zoning Map As Amended July 1, 2013", which is dated and certified by the City Clerk on July 1, 2013. Said map shall be the official map and is hereby incorporated into and made a part of this code. The zoning map of the City of Tifton shall be the final authority for the zoning districts in the City and said map shall be a public record. It shall be located in the Office of the Clerk for the City of Tifton where the map and accurate reproductions will be accessible to the general public.

Read and passed on first reading and adopted at a meeting of the City Council of the City of Tifton held on the 1st day of July, 2013.

J.G. "Jamie" Cater, Jr.
Mayor

Approved as to Form:

Attest:

Robert C. Wilmot
City Attorney

Rona Martin
City Clerk



204 North Ridge
Post Office Box 229
Tifton, Georgia 31793

<http://www.tifton.net>

ELECTED OFFICIALS:

J. G. "JAMIE" CATER, JR.
MAYOR

JOHNNY TERRELL, JR.
VICE MAYOR
DISTRICT 3

MARIANNA KEESEE
DISTRICT 1

CHRISTOPHER PARROTT
DISTRICT 2

JULIE B. SMITH
DISTRICT 4



ENVIRONMENTAL MANAGEMENT

Bert D. Crowe, Director
PH: 229.391.3950 * FAX: 229-556-7419 * e-mail: bcrowe@tifton.net

Staff Summary of ZA13-000-003 Blanket Rezone in Conjunction with the Current Land Development Code

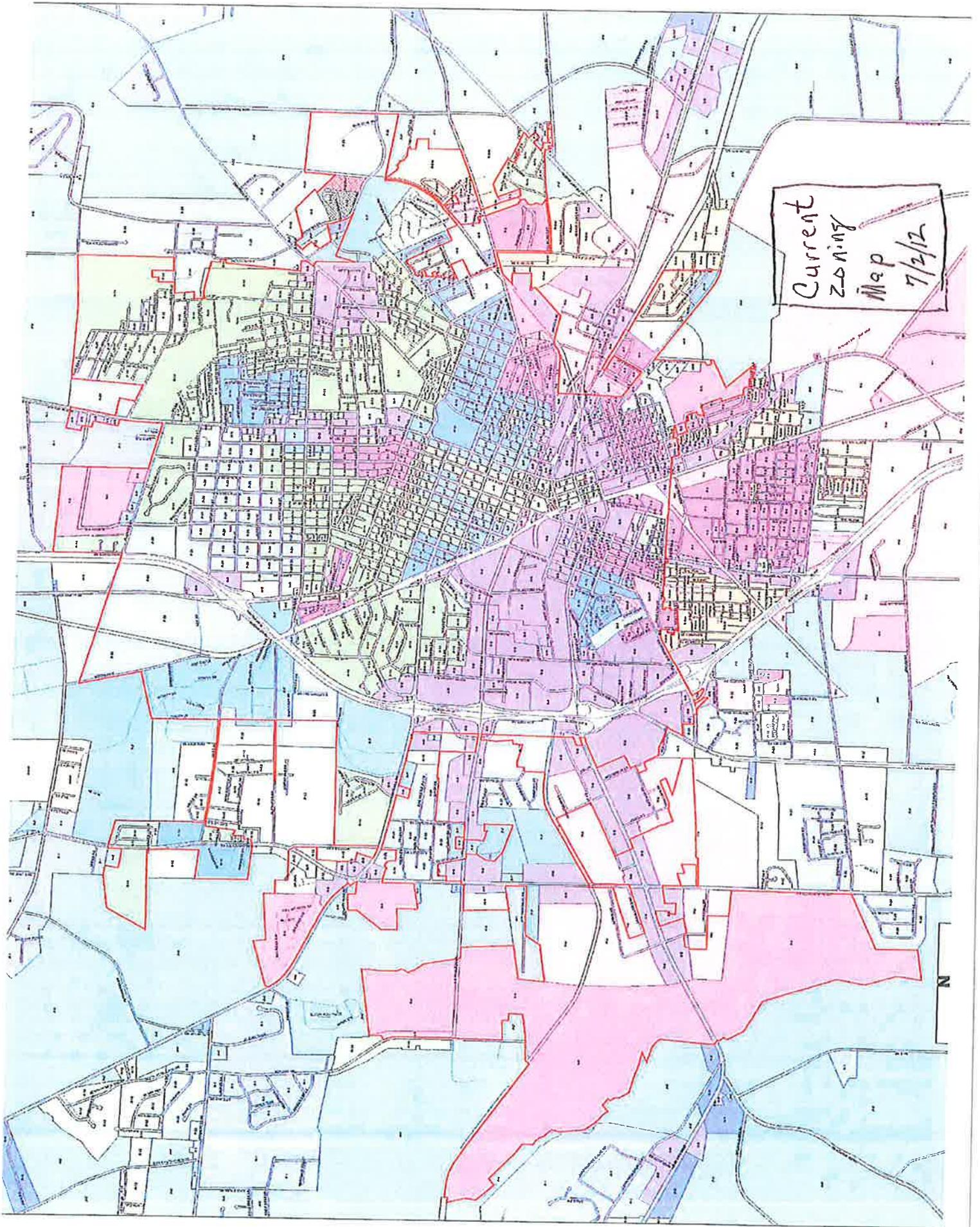
A request was made to staff to monitor and record any zoning discrepancies that related to adoption of the City of Tifton Land Development Code (LDC) in July 2012. This process was conducted for approximately 12 month and all discrepancies were noted. A map was created by the Regional Development office to show the needed changes and proper postings were made to make the needed changes. This is the second "blanket change" in the zoning map made as a result of the adoption of the LDC. The first was done in conjunction with the adoption of the LDC and this blanket change is one after one year of operation under the LDC.

Only a few changes were noted as referenced by the newly created zoning map. Planning and Zoning criteria as it related to the changes are as follows:

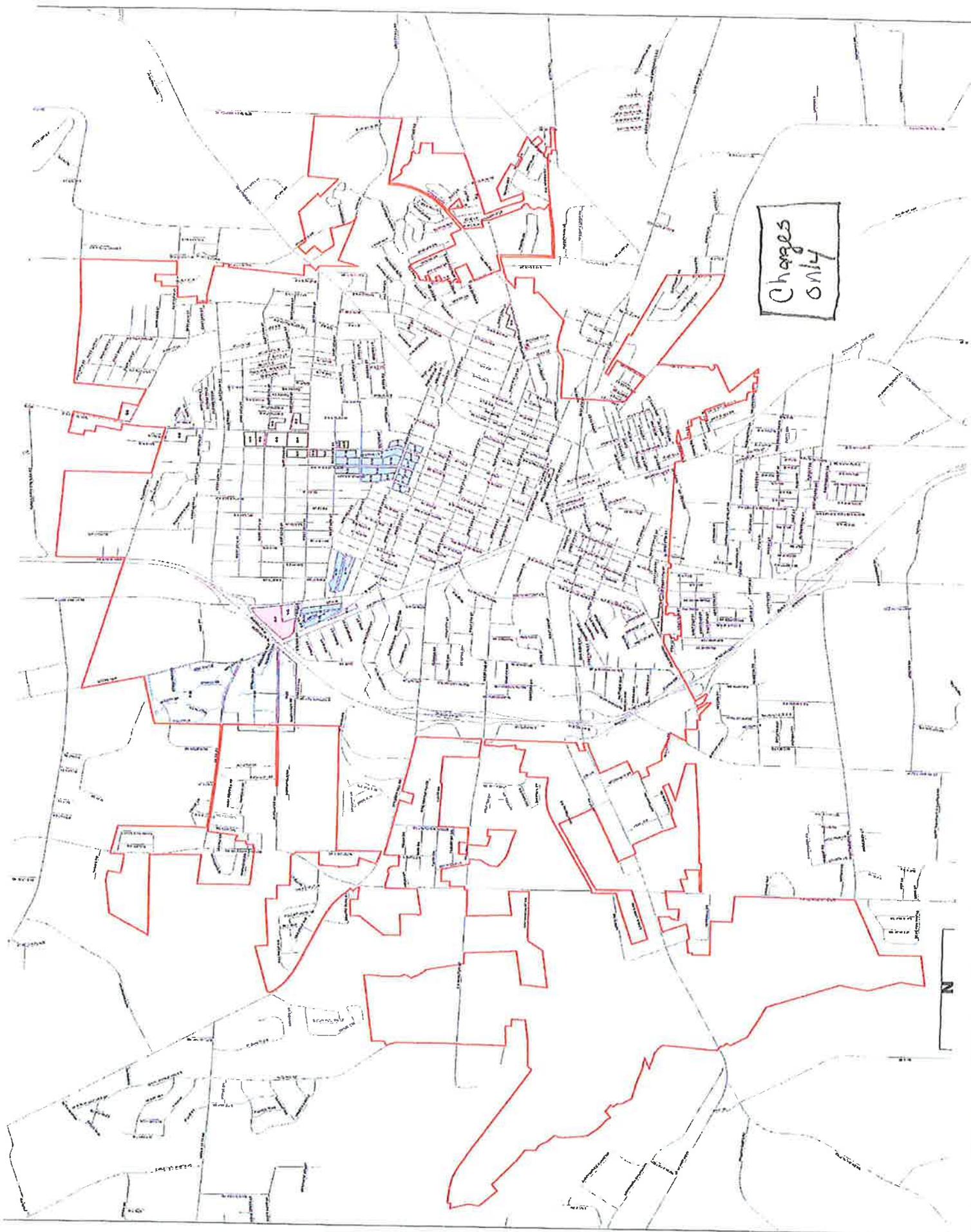
- 1) The changes will permit uses that are suitable in view of the existing land use patterns of nearby properties.
- 2) There were no isolated zones created by these changes.
- 3) None of the changes affect existing population density patterns and in turn would not tax the load on public facilities.
- 4) The changes are reasonable in order to correct changes created by the adoption of the Current LDC.
- 5) There would be no creation of adverse conditions in current neighborhoods or in the community as a whole.
- 6) There would be no resulting impact on current environmental conditions.
- 7) There would be no increase in cost to the public sector as a result of these changes.
- 8) There were no determinable changes in value to property involved in the changes or adjacent to the rezoned properties. No detrimental effects were noted.
- 9) The proposed changes are not out of scale with the needs of the community.
- 10) There were no special privileges granted to any individual as a result of these changes. These changes were proposed by the Staff as a direct result of corrections needed in conjunction with the current LDC.
- 11) This zoning decision is consistent with the local planning efforts of the City of Tifton.

Please note that these changes in zoning are a result of the changes that came about due to the adoption of the current COT-LDC and are needed to correct current discrepancies in our zoning map. It is the determination of Staff that the approval of these changes will improve the accuracy of our current map and aid in future development of our City. Staff recommends the adoption of these zoning map changes.

Bert D. Crowe, Director
City of Tifton
Environmental Management Department

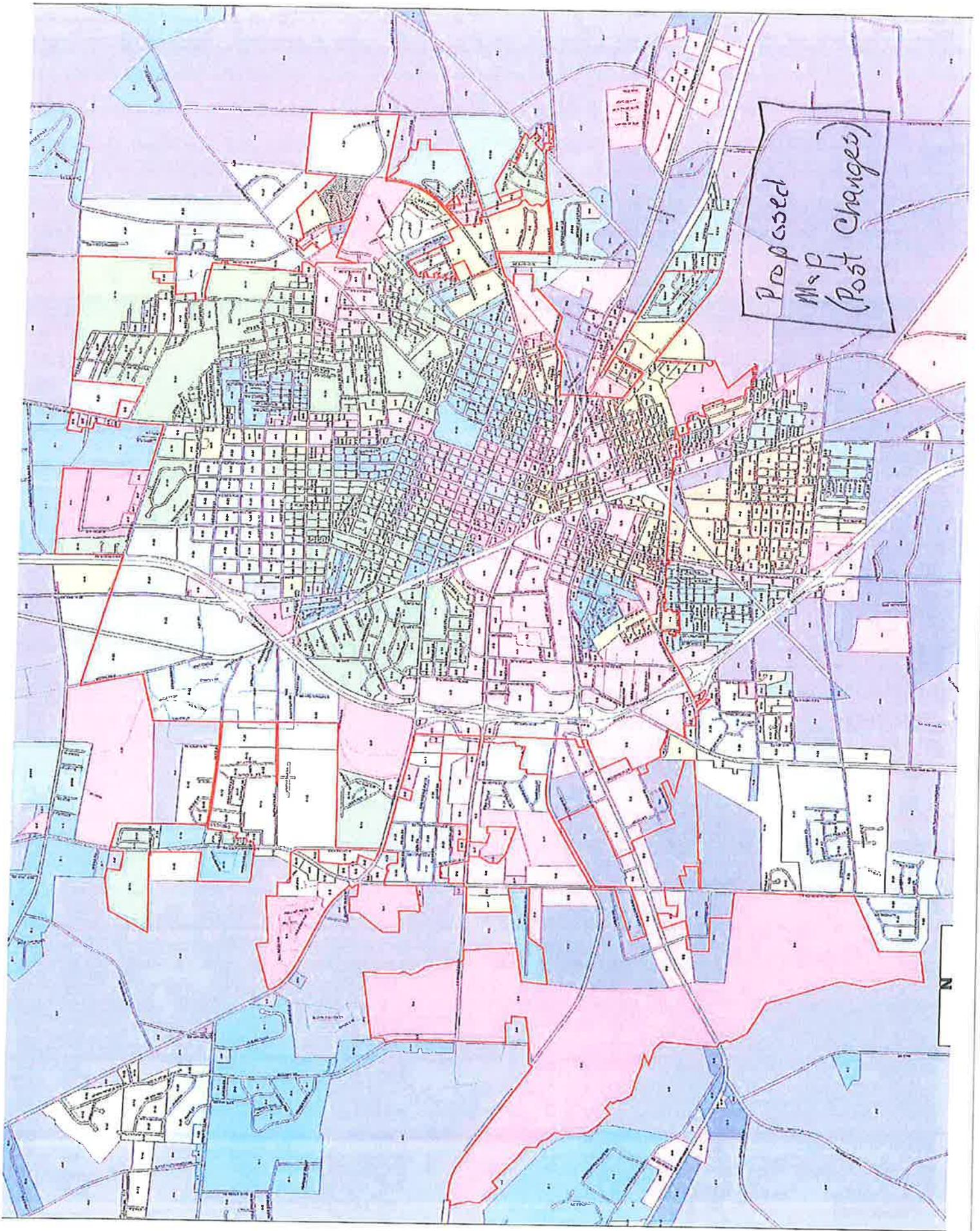


Current
Zoning
Map
7/2/12



Charges
only

N



Proposed
M&P
(Post Changes)

N



204 North Ridge
Post Office Box 229
Tifton, Georgia 31793

<http://www.tifton.net>

ELECTED OFFICIALS:

J. G. "JAMIE" CATER, JR.
MAYOR

JOHNNY TERRELL, JR.
VICE MAYOR
DISTRICT 3

MARIANNA KEESEE
DISTRICT 1

CHRISTOPHER PARROTT
DISTRICT 2

JULIE B. SMITH
DISTRICT 4



ENVIRONMENTAL MANAGEMENT

Bert D. Crowe, Director
PH: 229.391.3950 * FAX: 229-556-7419 * e-mail: bcrowe@tifton.net

Location: City of Tifton Municipal Court Room
130 East 5th Street
Tifton, GA 31794

Date: May 28, 2013

Agenda

Meeting of the City of Tifton Planning and Zoning Commission

A meeting of the City of Tifton Planning and Zoning Commission is to be held Thursday June 6, 2013 at 6:00 pm at the City of Tifton Municipal Court Room located at 130 East 5th Street Tifton, Georgia. The entrance to the Municipal Court Room is located inside the Municipal Court entrance to the Law Enforcement Center.

- 1) Call meeting to order.
- 2) Application # ZA13-000-003: Bert D. Crowe on behalf of the City of Tifton Council request approval for adoption of a proposed City of Tifton Zoning Map Amendment to correspond with the current City of Tifton Land Development Code.
- 3) Citizen's Comments
- 4) Old Business
- 5) New Business
- 6) Adjournment



ENVIRONMENTAL MANAGEMENT

Bert D. Crowe, Director

PH: 229.391.3950

FAX: 229-556-7419

e-mail: bcrowe@tifton.net

204 North Ridge
Post Office Box 229
Tifton, Georgia 31793

<http://www.tifton.net>

ELECTED OFFICIALS:

J. G. "JAMIE" CATER, JR.
MAYOR

W. JOE LEWIS
VICE-MAYOR
DISTRICT 4

MARIANNA KEESEE
DISTRICT 1

DAVE HETZEL
DISTRICT 2

JOHNNY TERRELL, JR.
DISTRICT 3



Date: June 6, 2013

To: City of Tifton Planning and Zoning Board

From: Bert D. Crowe, Director
Environmental Management Department
City of Tifton, GA

Subject: Executive Summary to the City of Tifton Planning and Zoning Board

Re: Bert D. Crowe on behalf of the City of Tifton Council request approval for adoption of a proposed City of Tifton Zoning Map Amendment #ZA13-000-003 to correspond with the current City of Tifton Land Development Code.

After a request from City of Tifton Council, staff was asked to review current City of Tifton development standards and propose a City of Tifton Land Development Code. This was completed in July 2012. This application is for a City of Tifton Zoning Map Amendment in correspondence with required corrections relating to the current City of Tifton Land Development Code.

It is also the determinations of staff that this amendment is needed to accommodate the guidelines set by the City of Tifton Land Development Code, create definitive entrance corridors, protect residential communities, and create a more business friendly environment for the City of Tifton. Staff also believes these changes are in the best interest of all citizens of the City of Tifton, and should be approved by The Planning and Zoning Board.

Thank you for your consideration of this request.

Bert D. Crowe, Director

COT-EMD

City of Tifton Planning and Zoning Commission

Meeting Place: City of Tifton Municipal Court Room

June 6, 2013 Meeting Minutes

The meeting was called to order at approximately 6:00 pm. Present at the meeting was Commissioners Nalls, Robinson, Wise and Battle. Commissioner Sharpe was absent. Chairman Nalls determines that there was quorum and read the proposed map amendment application. He then asked Bert Crowe, Director COT-EMD to give an overview of the proposed changes. Director Crowe explained that these changes were changes that came about as a result of the adoption of the City of Tifton Land Development Code in July 2012. The Board was reminded of the first set of changes to the zoning map and that a second set would follow to correct any discrepancies that missed at the point of adoption. The commissioners reviewed the maps showing the changes and with very few questions decided to take a vote. A motion to approve the changes as presented was made and seconded and a vote was taken in favor of the motion to approve with a unanimous outcome. There was no new business or old business. No citizens were present for citizen input. There were a few closing questions to staff relating to possible new business come to Tifton. The meeting was adjourned at approximately 6:45 PM.

Planning and Zoning Criteria

1. Whether the proposed rezoning request will permit a use that is suitable, in view of the existing land use pattern of adjacent and nearby property.
2. Whether the proposed rezoning would result in the possible creation of an isolated district unrelated to adjacent and nearby districts.
3. Whether the proposed development would affect the existing population density pattern and lead to the possible increase or overtaxing of the load on public facilities.
4. Whether changed or changing conditions make the passage of the proposed amendment reasonable.
5. Whether the proposed change will adversely influence existing conditions in the neighborhood or the community at large.
6. Whether the proposed amendment would result in potential impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.
7. Whether the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities would be reasonable when considering the proposed change.
8. Whether the proposed change will be detrimental to the value or improvement of the development of adjacent or nearby property in accordance with existing regulations.
9. Whether the proposed change is out of scale with the needs of the neighborhood or the City of Tifton.
10. Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public.
11. The extent to which the zoning decision is consistent with the local planning efforts of the City of Tifton.

PUBLIC NOTICE

**The City of Tifton Planning and Zoning Commission
Meeting, 130 East 5th Street, Municipal Court Room,
Tifton, Georgia**

June 6, 2013, 6:00 PM

Meeting is Open to the Public

Notice of Public Hearing

**The City of Tifton Council will hold a Public Hearing July 1, 2013
at 5:00 PM at 130 East 5th Street, Municipal Court Room, Tifton,
Georgia**

Applications:

ZA13-000-003: Bert D. Crowe on behalf of the City of Tifton Council request approval for adoption of a proposed City of Tifton Zoning Map Amendment to correspond with the current City of Tifton Land Development Code.

This advertisement shall advise the public pursuant to O.C.G.A. 36-67A-3 that any opponent of a proposed rezoning action who has made campaign contributions aggregating \$250.00 or more to a local government official of the local government which shall consider the application within two (2) years of the date of the application shall be required to file a disclosure with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom campaign contributions were made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the five (5) years immediately preceding the filing of the application for the proposed rezoning action and the date of each contribution. Such disclosure shall be required to be filed at least five (5) calendar days prior to the scheduled hearing.

For Additional Information please call 229-391-3950

pn13

**Correction
PUBLIC NOTICE**

**The City of Tifton
Planning and Zoning
Commission Meeting,
130 East 5th Street,
Municipal Court Room,
Tifton, Georgia**

June 6, 2013, 6:00 PM

Meeting is Open to the Public

Notice of Public Hearing

**The City of Tifton Council will
hold a Public Hearing July 1,
2013 at 5:00 PM at 130 East 5th
Street, Municipal Court Room,
Tifton, Georgia**

Applications:

**ZA13-000-003: Bert D. Crowe on
behalf of the City of Tifton Council
request approval for adoption
of a proposed City of Tifton Zoning
Map Amendment to correspond
with the current City of Tifton
Land Development Code.**

This advertisement shall advise the public pursuant to O.C.G.A. 36-67A-3 that any opponent of a proposed rezoning action who has made campaign contributions aggregating \$250.00 or more to a local government official of the local government which shall consider the application within two (2) years of the date of the application shall be required to file a disclosure with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom campaign contributions were made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the five (5) years immediately preceding the filing of the application for the proposed rezoning action and the date of each contribution. Such disclosure shall be required to be filed at least five (5) calendar days prior to the scheduled hearing.

**For Additional Information please
call 229-391-3950**

**00053400
5/31/13**

**AT A MEETING O THE
CITY COUNCIL OF THE CITY OF TIFTON
HELD ON _____, 2013
A MOTION TO ENTER INTO EXECUTIVE SESSION**

Council member _____ makes the following motion:

1. That City Council now enters into executive session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing the following:

(check all that apply)

___ Legal Matters.

___ Personnel Matters.

___ Real Estate Matters.

That each member of this body, in open session, at the conclusion of such executive session, and consistent with the provisions of City of Tifton Resolution No. 99-66, either:

1. Execute the Affidavit, the form of which having been previously approved; or
2. Vote upon the Resolution, the form of which having been previously approved, to be followed by the execution of the above-referenced Affidavit by so many members of this Council that so desire,

all of which is in compliance with O.C.G.A. Section 50-14-4; thereby this body, by appropriate form of either Affidavit or Resolution/Affidavit, ratifying the actions of the Council taken in executive session and confirming that the subject matters of the closed session were within exceptions permitted by the Open Meetings law.

Council member _____ seconds the motion.

Motion Approved

Those voting in favor of the motion for closure:

Council Members:

Those voting against the motion for closure:

Council Members:

AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths in the State of Georgia:

Present

Absent

J. G. "Jamie" Cater, Jr.

Marianna G. Keesee

Christopher Parrott

Johnny Terrell

Julie Smith

Who, after being duly sworn, deposes and on oath states the following:

1. I am a member of the Tifton City Council and I was present at a meeting of the City Council held on the _____ day of _____, 2013.

2. That it was my understanding that O.C.G.A. Section 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) Of this Code section, the chairperson or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

3. The subject matter of the closed meeting or closed portion of the meeting held on the _____ day of _____, 2013, which was closed for the purpose(s) of :

___ Legal Matters

___ Personnel Matters

___ Real Estate Matters

As allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

4. This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. Section 50-14-4(b) that such an affidavit be executed.
5. This affidavit is likewise executed by the following members of the City Council present at such executive session in support of open and honest government and in compliance with City of Tifton Resolution 99-66.

This _____ day of _____, 2013.

J. G. "Jamie" Cater, Jr.
Mayor, City of Tifton

Marianna G. Keesee
Councilwoman, District 1

Christopher Parrott
Councilman, District 2

Johnny Terrell
Councilman, District 3

Julie Smith
Councilwoman, District 4

Sworn to and subscribed before me
By all City Council members
on this _____ day of
_____, 2013.

Notary Public

**EXECUTIVE SESSION RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF TIFTON
2013-_____**

BE IT RESOLVED by the Tifton City Council as follows: at the meeting held on the _____ day of _____, 2013, the Council entered into executive session for the purpose of discussing:

_____ Legal Matters.

_____ Personnel Matters.

_____ Real Estate Matters.

At the close of the discussions upon such subject(s), the Council did vote to re-enter into open session and herewith takes the following action in open session:

1. The actions of the Council and the discussion of the same regarding the matter set forth for closed session purposes are hereby ratified.
2. This body does hereby confirm that to the best of the knowledge of the body, based upon the advice of the City Attorney, the said subject matter of the meeting, and of the closed session portion was devoted to matters within the specific relevant exception(s) as set forth above.
3. The affidavit, together with this Resolution, shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

Approved this _____ day of _____, 2013.

J. G. "Jamie" Cater, Jr.
Mayor, City of Tifton

ATTEST:

Rona Martin
City Clerk