



May 21, 2015

1:30 P.M.

DEPARTMENT PRESENTATIONS FY2016 BUDGET REQUESTS

TIFTON CITY COUNCIL CHAMBERS

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5:00 p.m.

CITY COUNCIL WORKSHOP/CALLED MEETING

TIFTON CITY COUNCIL CHAMBERS

130 E. 1<sup>ST</sup> STREET

**CITY OF TIFTON**  
**May 21, 2015**  
**Tifton City Council Chambers**  
**130 E. 1<sup>st</sup> Street**  
**1:30 p.m.**

**DEPARTMENTS FY2016 BUDGET PRESENTATIONS**

**5:00 p.m.**

**CITY COUNCIL WORKSHOP/ CALLED MEETING**

**PRESENTATION OF PROCLAMATION FOR LUPUS AWARENESS MONTH-**  
**Felicia Sims & Angela Anderson**

**CITIZENS REQUEST TO SPEAK**

John Lindsey – Downtown Parking  
Mitch Williams – New Business Location/Parking, 1401 Tift Avenue

**PRESENTATION BY RICHARD MOONEY**

**PRESENTATION BY SCOTT MURPHY – WATER/WASTEWATER**

**DISCUSSION ITEMS**

1. Discussion of vagrants, panhandling, and beggars – Council Member Parrott
2. Discussion of official ballot for GMA District 11 Election of Officers
3. Request for Appeal of HPC Case #H15-000-009 from Wilmot and Powell, LLC – Removal of damaged chimneys on the house located at 614 N. Tift Avenue – Bert Crowe
4. Request for Approval of Ordinance providing for a text amendment to the City of Tifton Land Development Code relating to private clubs and lodges in the Commercial Downtown (CD) zone
5. Discussion of Ordinance Amending Charter by Home Rule providing for a change in the Fiscal Year
6. Resolution providing for New Alcoholic Beverage License for Shell Food Mart, ML Dixon Investments, Inc. located at 2302 US Hwy. 41 N.
7. Resolution providing for Amended Alcoholic Beverage License for The Olive Garden located at 1208 Hwy. 82 W.
8. Resolution Declaring Certain Real Property Surplus, 816 Love Avenue
9. Resolution Declaring Certain Real Property Surplus, 811 N. Central Avenue
10. Resolution providing for renewal of contract with Professional Court Services

11. Board Report
12. Discussion of ordinance providing for amendment to distance requirements for establishments holding an alcoholic beverage license in proximity to churches, school buildings, school grounds, or college campuses

**CALLED MEETING**

13. Executive Session to discuss Personnel, Real Estate and/or Legal Matters
14. Resolution providing for Executive Session

**#1**

**DISCUSSION OF VAGRANTS, PANHANDLING, AND BEGGARS**

**COUNCIL MEMBER PARROTT**



President  
Keith Brady  
Mayor, Newnan

First Vice President  
Mike Bodker  
Mayor, Johns Creek

Second Vice President  
Edna Jackson  
Mayor, Savannah

Third Vice President  
Boyd Austin  
Mayor, Dallas

Immediate Past President  
Beth English  
Mayor Pro Tem, Vienna

Executive Director  
Lamar Norton

April 29, 2014

**MEMORANDUM**

**TO:** Mayors and Councilmembers in District 11  
c/o Mayors and City Managers or City Clerks

**FROM:** Lamar Norton, Executive Director 

**SUBJECT:** Election of District 11 Officers for 2015-2016

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Enclosed is your city's official ballot for the election of GMA's District 11 Officers for the 2015-2016 year.

Listed on the ballot are the names of the city officials who have been nominated by the current district officers. (The current officers are charged with serving as a district nominating committee.) No additional nominations were received by the deadline of April 21, which means that the nominations are closed.

The ballot should be mailed or faxed to the attention of Kelly Shields by Monday, June 1. **Please note that only one ballot may be submitted per city.**

We will notify you of the results shortly after June 1. Final approval of GMA district officers, as well as the Association's officers and Board of Directors, will occur at the membership business session to be held at the Annual Convention in Savannah on Sunday afternoon, June 28.

If you have any questions, please contact Kelly at (678) 686-6204 or [kshields@gmanet.com](mailto:kshields@gmanet.com).

C: District 11 Officers

# ELECTION OF GMA'S DISTRICT 11 OFFICERS FOR 2015-2016

## BALLOT

The following city officials have been nominated as GMA's District 11 Officers for 2015-2016:

- President: Peggy Murphy, Mayor, Alma
- First Vice President: Olivia Pearson, Commissioner, Douglas
- Second Vice President: Tom Kennedy, Mayor, Homerville
- Third Vice President: Lee Gowen, Mayor, Folkston

*\*No additional nominations were received by the April 21, 2015 deadline.*

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If your city is in favor of the proposed slate of officers, please check here: \_\_\_\_\_

If your city is opposed to the proposed slate of officers, please check here: \_\_\_\_\_

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Please provide the following information:

City: \_\_\_\_\_

Name of person submitting ballot: \_\_\_\_\_

Signature: \_\_\_\_\_

**Please fax or mail ballot by June 1, 2015 to:**

Kelly Shields, Georgia Municipal Association, P.O. Box 105377, Atlanta, GA 30348;  
FAX: (678) 686-6304

## Rona Martin

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**From:** Rona Martin  
**Sent:** Friday, February 27, 2015 11:06 AM  
**To:** Kelly Shields  
**Subject:** Emailing: District 11 Nominations  
**Attachments:** District 11 Nominations.pdf

Hey Kelly:

Attached is our nominations for District 11.

Thanks,  
Rona

Your message is ready to be sent with the following file or link attachments:

District 11 Nominations

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

# GMA DISTRICT OFFICER RECOMMENDATION FORM

## DISTRICT 11

Current District 11 Officers include:

President	Bill Darsey, Mayor, Lakeland
First Vice President	Peggy Murphy, Mayor, Alma
Second Vice President	Olivia Pearson, Commissioner, Douglas
Third Vice President	Tom Kennedy, Mayor, Homerville

The following city official(s) are recommended for consideration as a GMA district officer:

<u>Name</u>	<u>Title</u>	<u>City</u>
<u>J. G. Jamie Cater, Jr.</u>	<u>Mayor</u>	<u>Tifton</u>
<u>Christopher Parrott</u>	<u>Council Member</u>	<u>Tifton</u>
<u>Wes Ehlers</u>	<u>Council Member</u>	<u>Tifton</u>
<u> </u>	<u> </u>	<u> </u>

Submitted by: LARRY BINES (name) Tifton (city)  
City Manager

Please return this form to Kelly Shields at GMA by March 2 by fax at (678) 686-6304 or by email at kshields@gmanet.com.

**TIFTON CITY COUNCIL AGENDA ITEM**



**TO:** Tifton City Council  
**FROM:** Bert D. Crowe, Director COT-EDM  
**DATE:** April 8, 2015  
**DEPARTMENT:** Environmental Management

*DATE: April 16, 2015 and May 4, 2015*  
*Workshop Meeting (x)*  
*Called Meeting (x)*

**SUBJECT:** Request for appeal of HPC case # H15-000-009 from Wilmot and Powell LLC relating to the removal of damaged chimneys on the house located at 614 North Tift Ave.

**EXECUTIVE SUMMARY**

The applicant is requesting Appeal of the decision made by the Historic Preservation Commission relating to case # H15-000-009 for the removal of Damaged Chimneys for the house located at 614 Tift Ave.

Original request from applicant was for the repair of the rear of the out building located at this address and for the removal of damaged and leaking chimneys on the house located at 614 Tift Ave. The portion of the application relating to the repair of the out building was approved however the portion relating to the removal of the damaged leaking chimneys as part of a reroof was denied by the Commission. It was the request of the Commission that the chimneys be removed and reinstalled in order to retain the external appearance of the building.

**PROPOSED ACTION**

Determine if HPC decision to deny will stand or be overturned allowing applicant to remove the chimneys.

**SUPPORTING INFORMATION**

**Background Information**

It was the request of the Commission that the chimneys be removed and reinstalled in order to retain the external appearance of the building. As part of the presentation made by the licensed contractor at the hearing, it was explained that the chimneys were leaking and the damage started above the roof line and continued below the roof line into the structure. The contractor had determined that the most efficient and economical means of correcting the leakage and damager of portions of the chimneys falling was to remove the chimneys as part of the reroof.

There has been another application relating to the removal of chimneys in the historic district that has been approved in the past.

**Financial Implications**

**TIFTON CITY COUNCIL AGENDA ITEM**

**None**

**Pros and/or Cons**

- Pros- N/A
- Cons- N/A

**Implementation**

The decision of the Council will be forwarded to the applicant as soon as rendered.

**Application for a  
Certificate of Appropriateness (COA)  
To the Historic Preservation Commission (HPC)**

PLEASE TYPE OR PRINT CLEARLY

**PLEASE NOTE:**

Application Requirements:

Applications must be complete and include the required support materials listed on the reverse side of this application form. Incomplete applications will not be forwarded to HPC for review.

Application Deadline:

Applications and support materials must be submitted TEN(10) working days prior to the regular HPC meeting, normally the First Tuesday of each month, to our office located at 130 East 5th Street, Tifton, GA. (COT Municipal Courthouse)

Application Representation:

The applicant or an authorized representative of the applicant must attend the public hearing to support the application.

Building Permit Requirements:

Along with the COA, a building permit must be acquired from the Planning and Zoning Department. Building permits will not be issued without proof of a COA

Deadline for Project Completion:

After application approval, the COA is valid for 18 months and null and void if construction doesn't begin within 6 months.

The City of Tifton's Historic District Manual sets forth the standards under which COAs are issued. This manual may be accessed at the Office of Environmental Management.

OFFICE USE ONLY

FILE NO: H15-000-009

RECVD DATE: 2/23/15

HEARING DATE: 3/3/15

DECISION \_\_\_\_\_

Applicant: MILMOT E POWELL

Mailing Address: P.O. Box 7703 Tifton, GA 31793

Telephone: (229) 382-9081

\* Note: If applicant is not the owner, a letter from the owner authorizing the proposed work must be included. Please include owner's telephone number and mailing address.

Property Address: 614 North Tift Ave. Tifton, GA 31794

Zoning: RP Tax Parcel: \_\_\_\_\_

Historic Preservation Overlay District - Historic Districts, Properties, and Landmarks

Brief Description of Project: REPAIR SIDING ON GARAGE; REPAIR ROOF

AND REMOVE CHIMNEYS

(example: addition of sunroom, replacement of awning, installation of satellite dish, etc.)

**TYPE OF PROJECT (CHECK ALL WHICH APPLY)**

**CONSTRUCTION:**

- New Building
- Addition to building
- Major building restoration
- Rehabilitation or remodeling
- Windows/Doors/Siding
- Demolition or relocation of building(s)

**SITE CHANGES:**

- Parking area(s), driveway(s), or walkway(s)
- Fence(s), wall(s), or landscaping
- Mechanical system(s) or non temporary structure(s)
- Sign(s)
- Minor exterior change

PROPOSED STARTING DATE: MARCH 4, 2015

FEDERAL OR STATE TAX INCENTIVES APPLIED FOR YES  NO 

CONTRACTORS/CONSULTANT: H & H CONTRACTORS

**Changes Without Board Approval**

If a property owner begins work without obtaining a building permit and prior approval of a COA application, a stop work order may be issued. The owner may face an order to restore the original condition of the property and a denial of a certificate of occupancy.

**AUTHORIZATION**

In consideration for the City of Tifton's review of this application, the applicant hereby agrees to hold harmless the City and its agents and employees from and against any and all claims, damages and liability arising from or related to this application or any issuance of a permit there under.

SIGNATURE: Robert C. LeBlanc DATE: 2/23/2015

**APPLICATION CHECKLIST**

A complete application requires support materials. Please check the list below for materials that are necessary for HPC review of this application.

**NEW BUILDING AND NEW ADDITIONS**

- Site Plan
- Architectural Elevations
- Floor Plan
- Landscape Plan
- Description of Materials
- Photographs of Proposed Site and Adjoining Properties

**MAJOR RESTORATION, REHABILITATION OR REMODELING**

- Architectural Elevations or Sketches
- Description of Proposed Changes
- Description of Materials
- Photographs of Existing Building

**MINOR EXTERIOR CHANGES**

- Description of Proposed Changes
- Description of Materials
- Photographs of Existing Building

**SITE CHANGES -- FENCES, WALLS AND SYSTEMS**

- Site Plan or Sketches of Site
- Architectural Elevations or Sketches
- Description of Materials
- Photographs of Site

**SITE CHANGES-- PARKING AREAS, DRIVES AND WALK**

- Site Plan or Sketches of Site
- Description of Materials
- Photographs of Site

**SITE CHANGES-- SIGNS**

- Approved Sign Application
- Site Plan or Sketches of Site
- Description of Materials and Type of Illumination
- Dimensions of sign and lettering
- Photographs of site

Describe the proposed project in detail (attach additional sheets if necessary.) The description should include proposed materials. Please separate and number the proposed projects, if more than one.

**PLEASE INCLUDE PICTURES OF SITE.**

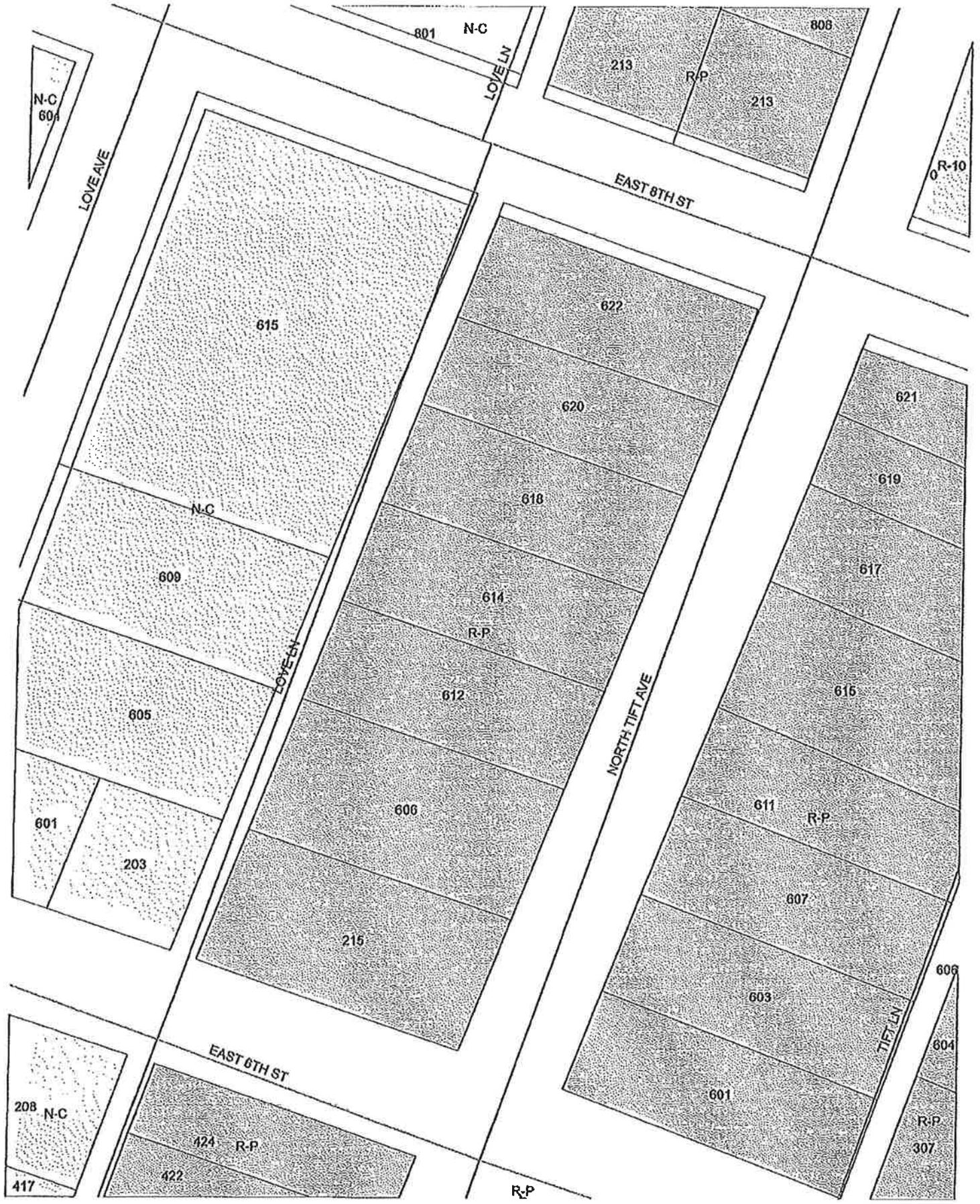
Example: 1. building addition 2. building storage and 3. installation of sign.

GARAGE: REMOVE SIDING FROM  
BACK OF GARAGE AND  
REPLACE WITH HARDY PANK

ROOF: RE-SHINGLE ROOF AND REMOVE  
CHIMNEYS; CHIMNEYS ARE BEYOND  
REPAIR

Application should be submitted to: Tifton Environmental Management Department; P.O. Box 229 Tifton, GA 31703

Please contact (229)391-3950 for more information



N-C  
604

LOVE AVE

801 N-C

LOVEL LN

EAST 8TH ST

R-10

615

622

620

621

N-C

618

619

609

614

617

R-P

612

616

605

NORTH TIFT AVE

601

606

611

R-P

203

215

607

603

608

EAST 6TH ST

TIFT LN

604

208 N-C

424 R-P

R-P

417

422

307

R-P

# TIFF COUNTY TAX ASSESSOR

225 NORTH TIFF AVE. - TIFTON, GEORGIA 31794

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### Owner and Parcel Information

Owner Name	W & P PROPERTIES, LLC	Today's Date	February 23, 2015
Mailing Address	614 TIFF AVE N TIFTON, GA 31794	Parcel Number	T042 174
Location Address	614 N TIFF AVE	Tax District	TIFTON (District 02)
Legal Description	LOTS 3 & 4 BLK 16 W/HSE	2013 Millage Rate	37.056
Property Class (NOTE: Not Zoning Info)	C3-Commercial	Acres	0.34
Zoning		Neighborhood	
Landlot/District	/	Homestead Exemption	No (S0)
Water		Parcel Map	<a href="#">Show Parcel Map</a>
Electric		Sewer	
Topography		Gas	
Road Class	County	Drainage	
		Parcel Road Access	Paved

### 2014 Tax Year Value Information

Land Value	Improvement Value	Accessory Value	Total Value	Previous Value
\$ 22,500	\$ 42,864	\$ 690	\$ 66,054	\$ 66,054

### Land Information

Type	Description	Calculation Method	Frontage	Depth	Acres	Photo
CON	1042 PARK-CENTRAL-LOVE/N OF 0	Front Feet	75	200	0.34	NA

### Improvement Information

Style	Heated Sq Ft	Interior Walls	Exterior Walls	Attic Area Sq Ft	Basement Area Sq Ft	Year Built	Photo
One Family	1,676	Sheetrock	Wood Siding	0	0	1950	<a href="#">Building Images</a>
Roof Type	Flooring Type	Heating Type	Rooms	Value	Cond	Number Fire Pl	Sketch
Asphalt Shingle	Hardwood/Vinyl	Central Heat/Ac	Bedrooms/Bathrooms/Extra Plumbing	\$ 42,864	Average	0	<a href="#">Sketch Building 1</a>
			0/0/3.0/6				

### Accessory Information

Description	Year Built	Dimensions/Units	Value
UT2 Utility Unfinished Interio	1960	12x25 288	\$ 689
PC2 CONC PAVING 4-6 INCHES	1960	0x0 460	\$ 1

### Sale Information

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
05/31/2013	1696 258		\$ 115,000	FM - Qualified Improved Sale	CROSBY, JOHN D	W & P PROPERTIES, LLC
11/07/1990	391 029		\$ 20,000	FM - Qualified Improved Sale	LORD, BOBBY E & SAPP, GERALD L	CROSBY, JOHN D
07/13/1984	221 403		\$ 25,000	FM - Qualified Improved Sale	HAHN, MAE SMITH ETAL	LORD, BOBBY L & SAPP, GERALD L
03/22/1984	218 514		\$ 0	4H - Disq Imp - Estate Sale	SMITH SUSAN L ESTATE	HAHN, MAE SMITH ETAL

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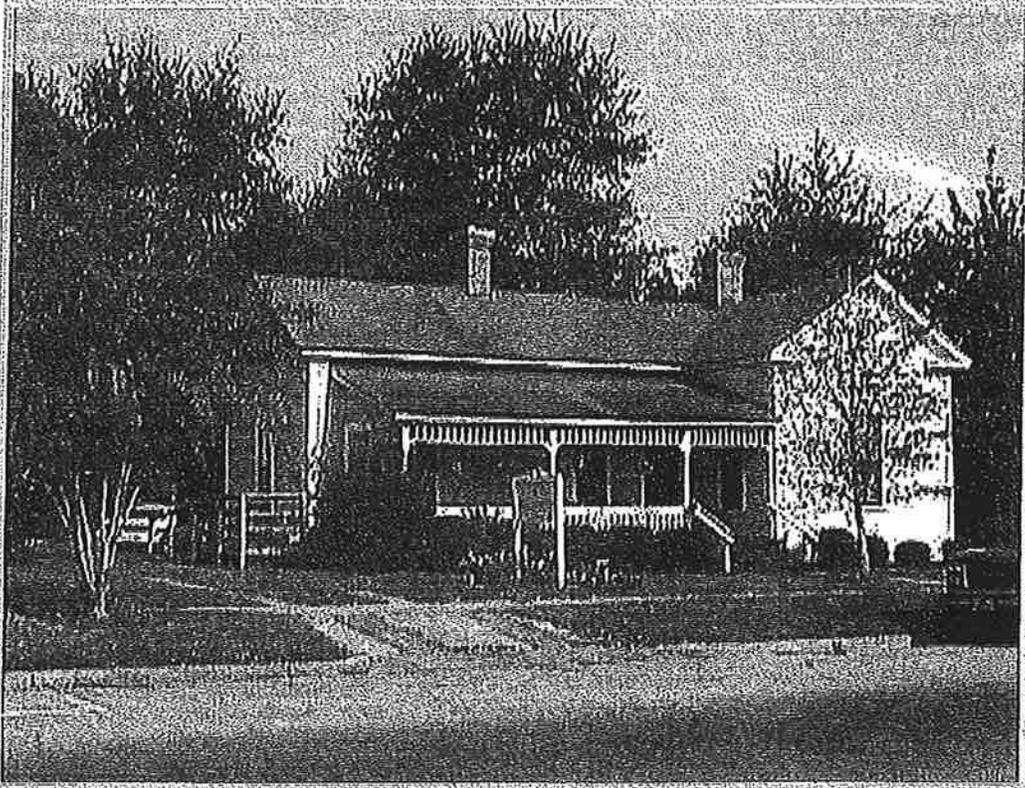
The Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. Website Updated: February 19, 2015

# TIFT COUNTY

# TAX ASSESSOR

225 NORTH TIFT AVE. - TIFTON, GEORGIA 31794

Building Photo 1



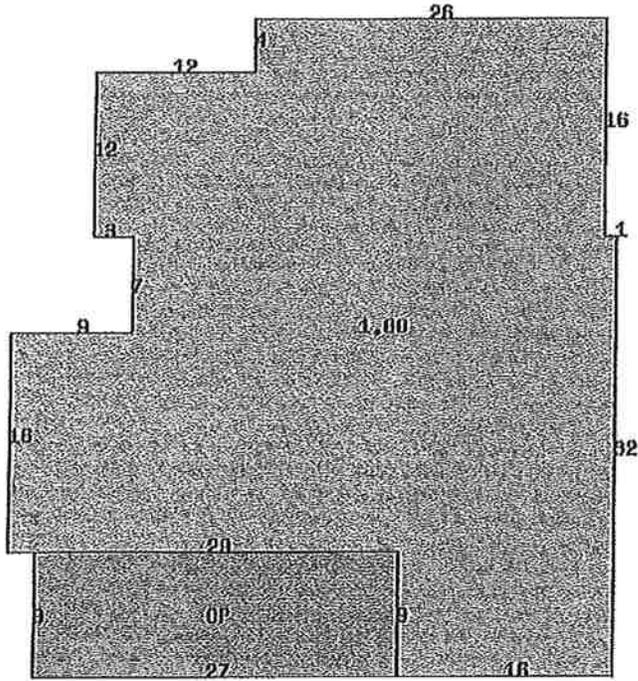
[Close Window](#)

© 2004 by the Tift County Assessor's Office | Website design by [qpublic.net](http://qpublic.net)

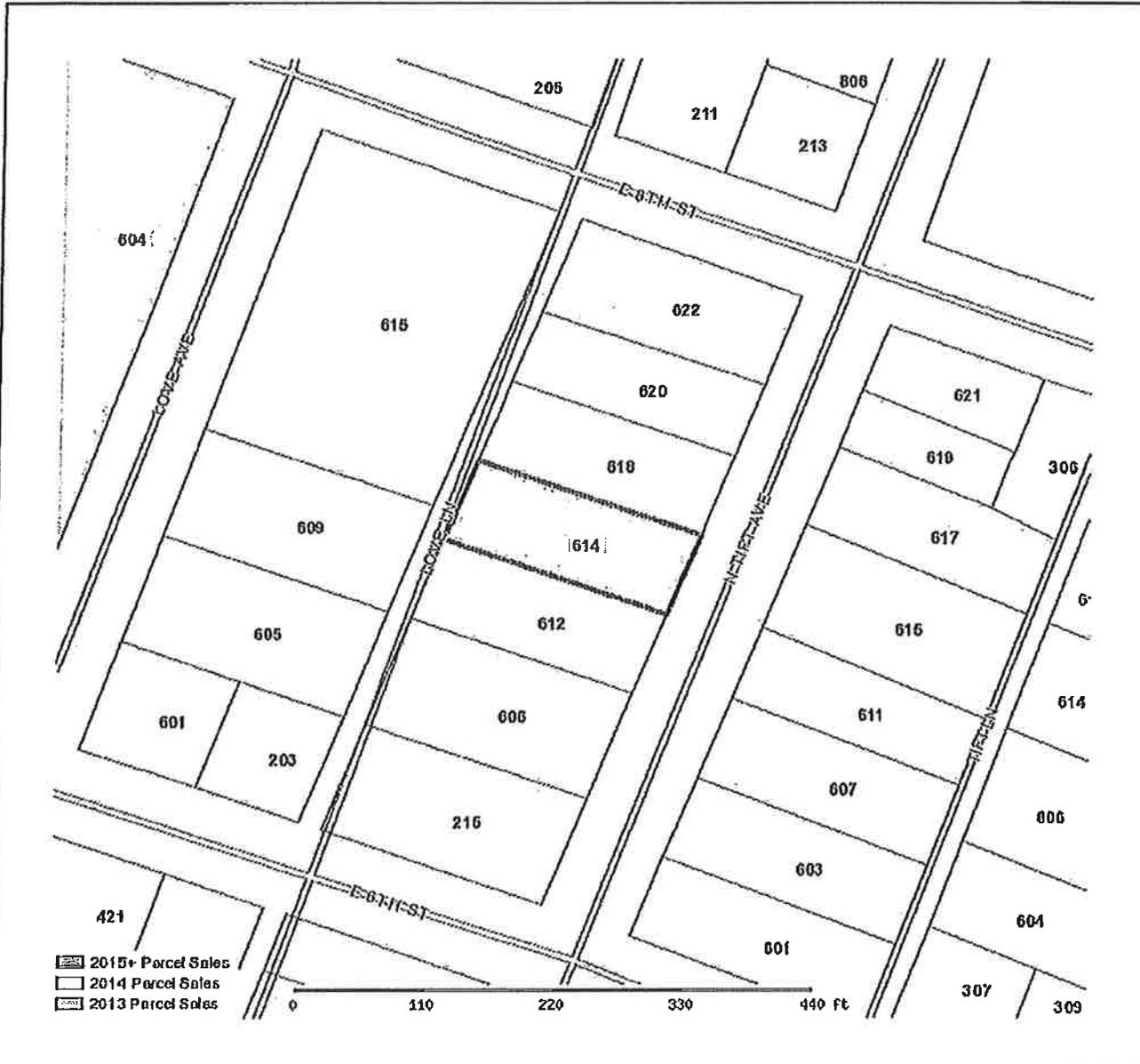
### Tift County Tax Assessor's Office

Resize

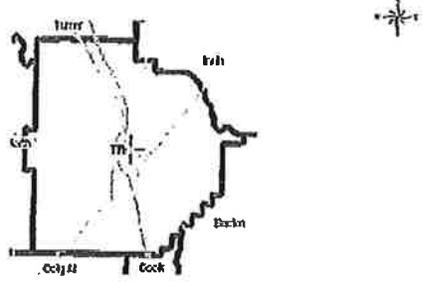
Close Window



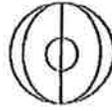
Color	Area Type Description	Square Feet
	1 Story	1676
	Open Porch	243



Tift County Assessor			
Parcel: T042 174 Acres: 0.34			
Name	W & P PROPERTIES, LLC	Land Value	\$22,600.00
Site	614 N TIFT AVE	Building Value	\$42,864.00
Area	\$115,000 on 05-2013 Reason=FM Qual=Q	Misc Value	\$690.00
Address	614 TIFT AVE N TIFTON, GA 31794	Total Value	\$66,054.00



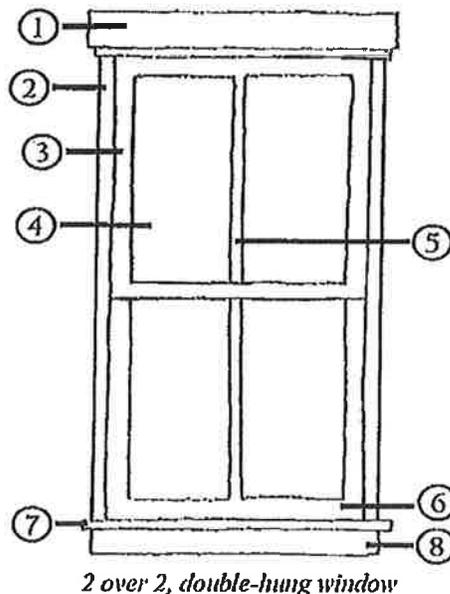
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 Date printed: 02/23/15 : 14:14:43



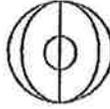
- It is not appropriate to introduce shutters on a historic building if no evidence of earlier shutters exists. Replace deteriorated or missing wooden shutters with wooden shutters to fit the opening and mounted so that they can be operated.
  - It is not appropriate to introduce new decorative features that are not compatible with the building's architectural style.
3. Protect and maintain historic materials.
- Windows and doors should be inspected regularly for deterioration, moisture damage, air infiltration, paint failure, and corrosion.
  - Windows and doors should be adequately maintained through recognized preservation methods.
  - It is not appropriate to replace original glass with tinted or mirrored glass.
4. Repair windows and doors and their historic, distinctive features through recognized preservation methods.
- See also *Preservation Brief #9: The Repair of Historic Wooden Windows* and *Preservation Brief #13: The Repair and Thermal Upgrading of Historic Steel Windows*.
5. Consider storm windows and doors for energy conservation.
- Install storm windows on the interior, when feasible. This will allow the character of the original window to be seen from the public right-of-way.

- If a storm window is to be installed on the exterior, match the proportions and profiles of the original window. Metal storm windows may be appropriate if they do not obscure or damage the existing sash and frame. Exterior storm windows should have a painted or baked-enamel finish that is compatible with the color of the original opening.
- Storm doors and screen doors should be simple in design and the frame should be full-light, constructed of wood or aluminum. Select storm doors with a painted, stained, or baked-enamel finish color that is compatible with the color of the original opening.
- See also *Preservation Brief #3: Conserving Energy in Historic Buildings*.

#### Window Components



- |                  |           |
|------------------|-----------|
| 1. Head          | 5. Muntin |
| 2. Casing        | 6. Rail   |
| 3. Stile         | 7. Stool  |
| 4. Glazing/Light | 8. Sill   |



## D. EXTERIOR WALLS

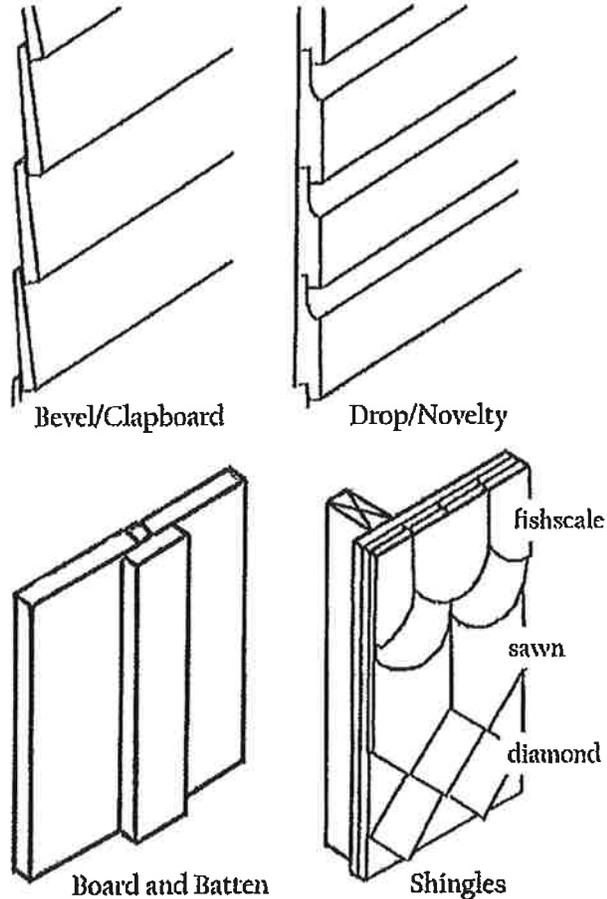
Exterior walls define architectural style. Variations in materials, finishes, vertical and horizontal aspects, projecting and receding features, and texture all contribute to the form and character of historic buildings. They also provide opportunities for stylistic detailing and ornamentation. Features such as projecting bays, chimneys, towers, and pediments influence the shapes of exterior walls. In addition, quoins, corner boards, cornices, and brackets all embellish the connections between wall planes or from exterior walls to other building elements.

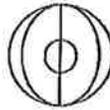
### 1. Retain and preserve exterior wall materials and details.

- It is not appropriate to cover or replace historic wall materials, including shingles, stucco, brick, and stonework with coatings or contemporary substitute materials. Synthetic stucco, panelized brick, Masonite, vinyl, aluminum, or other composite siding materials should not be applied as a covering over historic masonry materials or over any significant architectural feature.
- Synthetic siding may be appropriate under the following conditions, which may be considerations but are not mandates: (1) the building is considered a non-contributing building within the local historic district ("non-contributing" as defined in the *Glossary of Terms*); (2) the substitute material can be installed on a new addition on a secondary façade not visible from a public right of way without irreversibly damaging or obscuring the architectural features and trim of the building; (3) if a historic building has lost its integrity ("integrity" as defined in the *Glossary of Terms*); or (4) if a significant number of houses within the immediate location have synthetic siding.

- If vinyl siding is used on a property, the siding must be certified by the Vinyl Institute of America and installed correctly with inspection by the code enforcement personnel.
- If any synthetic material is installed, any existing damages to the property under consideration must be repaired prior to the installation of synthetic siding and be inspected by Code Enforcement to verify its repair.

### Wood Exterior Cladding Types

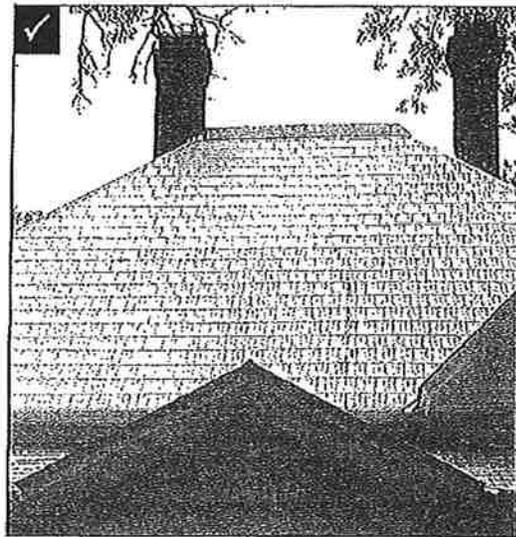




### C. ROOFS

Although the function of a roof is to protect a building from the elements, it also contributes to the overall character of a resource. The form and pitch of a roof, whether flat, hipped, shed, gable, gambrel, or a combination of these forms, contributes significantly to the architectural character of a building. Pattern, scale, orientation, and texture of roofing materials further define the character, as do features such as dormers, gables, vents, turrets, and chimneys.

1. Retain and preserve the original roof form.
  - Avoid altering the pitch of a historic roof.
  - Preserve the original eave depth. It is inappropriate to alter, cover, or remove the traditional roof overhang.
  - It is not appropriate to introduce new roof features, such as chimneys, solar collectors, skylights, ventilators, communication devices, or mechanical equipment on roof slopes that are visible from the public right-of-way or in locations that compromise the architectural integrity of the building.
  - If a new roof feature is necessary, design the feature to be scaled appropriately so that it does not overwhelm the historic roof form.
2. Retain and preserve original details, features, and materials.
  - It is inappropriate to remove character-defining roof features such as dormers, gables, vents, turrets, and chimneys.
  - Original roof materials, such as metal standing seam, decorative metal shingle, tile, etc. should be retained and preserved.
  - Avoid introducing new roof features or details to a historic building that may result in creating a false sense of history.
3. Repair deteriorated or damaged roof features and materials through recognized maintenance and preservation methods.
  - Repair deteriorated roof features and materials in kind, matching the original in design, pattern, detail, and material. Consider compatible substitute materials only if using the original is not feasible.
  - If replacement of a roof feature or material is necessary, replace it to match the original, based upon physical or documentary evidence, or replace it with a new feature or material that is compatible with the original. Select new roofing materials that are appropriate for the building's architectural style. *See Appendix A: Environmental Issues, for instruction on asbestos abatement.*
  - *See Preservation Brief #4: Roofing for Historic Buildings.*
4. Introduce new gutters and downspouts as needed, with care so that no architectural features are damaged or lost.
  - Routinely clear clogged gutters and downspouts to prevent moisture damage to the building. Properly design downspouts so that water is diverted away from the building.



# Public Meeting

Tifton Historic Preservation Commission  
Meeting March 3, 2015 6:00 P.M. at 130  
East 5<sup>th</sup> Street (City of Tifton Municipal  
Court Room).

Application H15-000-009

Wilmot and Powell  
614 Tift Ave

**Applicant requests a COA for the installation of  
Hardy board siding and a new window on the rear  
of the garage and the removal of the chimney as  
part of a reroof on the house located at this  
address.**

City of Tifton  
Bert Crowe or Mike Sumner at 229-391-3950



# ENVIRONMENTAL MANAGEMENT

Bert D. Crowe, Director

PH: 229.391.3950

\*

FAX: 229-556-7419

\*

e-mail: [bcrowe@tifton.net](mailto:bcrowe@tifton.net)

204 North Ridge  
Post Office Box 229  
Tifton, Georgia 31793

Wilmot and Powell, LLC  
614 Tift Ave  
Tifton, GA 31794

<http://www.tifton.net>

Date: March 18, 2015

Property: 614 Tift Ave

**ELECTED OFFICIALS:**

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

JOHNNY TERRELL, JR.  
VICE MAYOR  
DISTRICT 3

WES EHLERS  
DISTRICT 1

CHRISTOPHER PARROTT  
DISTRICT 2

JULIE B. SMITH  
DISTRICT 4

Please accept this letter to serve as notice that part of your application, H15-000-009 was denied by the Tifton Historic Preservation Commission on March 3, 2015. This portion of the application was denied because the Board reached a unanimous decision to deny the portion of the application requesting the removal of the chimney(s) as part of a reroof on the house located at this address. The Board denied approval of this portion of the request because the guidelines in the HPC manual were not met relating to the removal of chimneys on historic homes.

Please note that the second request was granted relating to installation of Hardy Plank siding on the rear of the garage located on this property.

Decisions made by the HPC may be appealed to the City Council. Appeals must be filed with the City Manager within 15 days of receipt of this letter. The Tifton Historic Preservation Commission appreciates your participation and patience in this process. If you have any questions or I could be of assistance please call.

Thanks You

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





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

WES EHLERS  
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](mailto:bcrowe@tifton.net)

## Regular Meeting of the Tifton Historical Preservation Commission

The Tifton Historical Preservation Commission met at 6:00pm on Tuesday March 3, 2015 at the City of Tifton Municipal Court Room.

These minutes are not official until approved by the HPC.

### Member Attendance

Charles Styer- Present  
Marx-Ann Myddelton- Present  
Mark Petermann- Present  
Erika Johnson- Absent  
Nathaniel Pridgon- Present  
Suzanne Click- Absent  
Jeff Daniels- Present

The meeting was call to order by Mrs. Myddelton at Approximately 6:00 PM. There was a quorum. No conflict was noted.

- 1) Application H15-000-007 was received from Brad Sullivan for the installation of a brick fence at the rear of the property located at 1009 Hall Ave. The application was discussed extensively by the Commission. There was a motion and second with a unanimous vote to approve FOF. Based on the FOF the application will not have an adverse effect on the esthetic quality of the property or the district. It will not have an adverse effect on the historic nature or architectural significance of the property or the district. The Commission was reminded that a vote of yes is to accept the application and a vote of no is to reject the application. A motion was made and seconded to vote and a vote was taken. The vote was unanimous to approve the application.
- 2) Application H15-000-008 was received from Hendricks Interiors for the property located at 1010 Murray Ave for the replacement of the front door and the installation of a planter box on one window. The application was discussed extensively by the Commission. There was a motion and second with a unanimous vote to approve FOF. Based on the FOF the application will not have an adverse effect on the esthetic quality of the property or the district. It will not have an adverse effect on the historic nature or architectural significance of the property or the district. The Commission was reminded that a vote of yes is to accept the application and a vote of no is to reject the application. A motion was made and seconded to vote and a vote was taken. The vote was unanimous to approve the application.
- 3) Application H15-000-009 was received from Wilmot and Powell for the repair of the rear of the garage with hardiplank and for the removal of the

chimneys on the house located at 614 Tift Ave. The application was discussed extensively by the Commission. A proposed modification was brought forth to allow the hardiplank and deny the removal of the chimneys. There was a second and a vote to accept the modification to the application. There was a motion and second with a unanimous vote to approve FOF of the modification to the application. Based on the FOF the modified application will not have an adverse effect on the esthetic quality of the property or the district. It will not have an adverse effect on the historic nature or architectural significance of the property or the district. The Commission was reminded that a vote of yes is to accept the modified application and a vote of no is to reject the modified application. A motion was made and seconded to vote and a vote was taken. The vote was unanimous to approve the modified application.

Minutes from the January 6, 2015 regular meeting were discussed and approved.

There was no old business.

There was new business relating to reminding the Commissioners that were planning to attend the training in April that staff would need a signature to procure the checks for the rooms.

There was also decision relating to limiting the discussion with applicants during the reviews to matters that relate to acceptable projects and not relating to how to build a project. All Commissioners were in agreement on this point.

The meeting was adjourned by unanimous vote at 7:00 PM.

To hear an audio recording of the entire meeting, contact the Environment Management Department of the City of Tifton at 229 391-3950.

WHL

4-7-15

BEST PLEASE HANDLE

Dear Mr. Riner:

Walmart & Procter would like to  
appeal the decision of the HPC.

Case No. H15-000-009 entered on 3/3/2015.

Sincerely,  
Rob Whit



**TIFTON CITY COUNCIL AGENDA ITEM**

**TO:** Tifton City Council  
**FROM:** Bert D. Crowe, Director COT-EDM  
**DATE:** May 11, 2015  
**DEPARTMENT:** Environmental Management

DATE: May 21, 2015 and June 1, 2015  
 Workshop Meeting (x)  
 Called Meeting (x)

**SUBJECT:** Request for approval of T15-000-004A submitted by the City of Tifton requesting a text amendment to the City of Tifton Land Development Code relating to private clubs and lodges in the Commercial Downtown (CD) zone.

**EXECUTIVE SUMMARY**

The applicant is requesting text amendments to the Land Development Code as follows:

1) To amend Section 2.03.03- [Table of Uses] of the City of Tifton Land Development Code be amended by removing Clubs and Lodges, Private as a permissible use in the Commercial Downtown Zoning District, Part 5.13 of the Table of Uses to read as follows:

5.0 Non-Residential Uses	SA	R20	R14	R12	R10	R8	MR	RP	NC	GB	CD	WLI	HI	PUD PDR
5-13 Clubs and Lodges, Private										S 5.02.08				

2) To amend Chapter 1 Section 1.09.00 [Definitions] by revising the definition of *Club, or lodge, private* to read as follows:

*Club, or lodge, private.* An incorporated or unincorporated association which regularly assembles for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

**PROPOSED ACTION**

Approval by City Council of the requested Text Amendment T15-000-004A.

**SUPPORTING INFORMATION**

**Background Information**

The current section states that a private club or lodge is allowed in the CD zone. It has been determined that this has a detrimental impact on the availability of parking for the general public and adversely effects the economic development of the downtown commercial district. It also generates an area of noncompliance with current Federal guidelines.

## **TIFTON CITY COUNCIL AGENDA ITEM**

The change in the definition of a *Club or Lodge Private* clarifies the definition which originally would not have allowed any use of the CD zone by private clubs of lodges to limiting only the regular meeting of such organizations.

### **Financial Implications**

Approval and implementation of the above listed text amendments would not generate any additional expense of Tifton. City of Tifton staff is recommending this text amendment change.

### **Pros and/or Cons**

- Pros (1) – Prevents additional parking problems commercial downtown zone.  
(2) – Prevents adverse effect on the economical development of the commercial downtown area.  
(3) – Brings City into compliance with Federal guidelines.  
(4) – Allows for occasional use (not regular meetings) of facilities in the CD zone by organizations within this use.
  
- Cons (1) – Limits use within the area.

### **Implementation**

Implementation of the above listed Text Amendment found in T15-000-004A would be immediate upon the approval of City of Tifton Council.



204 North Ridge  
Post Office Box 229  
Tifton, Georgia 31793

<http://www.tifton.net>

# ENVIRONMENTAL MANAGEMENT

Bert D. Crowe, Director

PH: 229.391.3950

FAX: 229-556-7419

e-mail: [bcrowe@tifton.net](mailto:bcrowe@tifton.net)

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

Date: May 11, 2015

## Agenda

### Meeting of the City of Tifton Planning and Zoning Commission

#### ELECTED OFFICIALS:

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

JOHNNY TERRELL, JR.  
VICE MAYOR  
DISTRICT 3

WES ELMERS  
DISTRICT 1

CHRISTOPHER PARROTT  
DISTRICT 2

JULIE B. SMITH  
DISTRICT 4

A meeting of the City of Tifton Planning and Zoning Commission is to be held Tuesday May 15, 2015 at 6:00 pm at the City of Tifton Municipal Court Room located at 130 East 5<sup>th</sup> 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 # T15-000-004A from The City of Tifton requesting text amendments to the City of Tifton Land Development Code as follows:

Section 1.09.00 (Acronyms and Definitions) of the City of Tifton Land Development Code be amended by revising the definition of *Club, or lodge, private* to read as follows:

*Club, or lodge, private.* An incorporated or unincorporated association which regularly assembles for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Section 2.03.03- [Table of Uses] of the City of Tifton Land Development Code be amended by removing Clubs and Lodges, Private as a permissible use in the Commercial Downtown Zoning District, Part 5.13 of the Table of Uses to read as follows:

5.0 Non-Residential Uses	SA	R20	R14	R12	R10	R8	MR	RP	NC	GB	CD	WLI	HI	PUD PDR
5-13 Clubs and Lodges, Private										S 5.02.08				



- 3) Citizen's Comments**
- 4) Approval of Minutes from the April 2, 2015 Regular Meeting.**
- 5) Old Business- Discussion and election of officers for Planning and Zoning Commission.**
- 6) New Business: Discussion with Commissioners by Staff.**
- 7) Adjournment**

## City of Tifton Planning and Zoning Commission Meeting

Date: April 2, 2015

Meeting Place: City of Tifton Municipal Court Room

These minutes are not official until approved by the City of Tifton Planning and Zoning Commission. The meeting was called to order at 6:20 PM by Ms Bobbie Robinson. Also present at the meeting was Mrs. Jan Wise and Mr. Major Battle. Mr. Tommy Nalls and Ms Julie Sharpe were absent. Also present at the meeting was Bert D, Crowe, Director of COT-EMD and Rob Wilmot COT Attorney. There were no citizens present at the meeting.

Applications were discussed and voted as follows:

- 1) Application # T15-000-004 from The City of Tifton requesting text amendments to the City of Tifton Land Development Code as follows:

Amend Section 2.03.03- [Table of Uses] of the City of Tifton Land Development Code be amended by removing Clubs and Lodges, Private as a permissible use in the Commercial Downtown Zoning District, Part 5.13 of the Table of Uses to read as follows:

5.0 Non-Residential Uses	SA	R20	R14 R12 R10	R8	MR	RP	NC	GB	CD	WLI	HI	PUD PDR
5-13 Clubs and Lodges, Private								S 5.02.08				

The request was discussed and vote was taken. The vote was unanimous relating to the request.

- 2) The minutes from the March 5, 2015 meeting were approved unanimously.
- 3) There was no old business
- 4) There was new business relating the election of officers for the upcoming year. It was determined that the election of officers would be delayed until a time when all members could be present to vote.
- 5) The meeting was adjourned by unanimous voted at approximately 6:40 pm.

Please note that these executive minutes are unofficial until they are approved by the City of Tifton Planning and Zoning Commission. An audio copy of the entire meeting is available upon request from the City of Tifton Environmental Management Department.

**CITY OF TIFTON**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF TIFTON, GEORGIA TO AMEND CHAPTER 1, SECTION 1.09.00 [ACRONYMS AND DEFINITIONS] TO REVISE THE DEFINITION OF CLUB, OR LODGE, PRIVATE; TO AMEND CHAPTER 2, SECTION 2.03.03 [TABLE OF USES] SO AS TO REMOVE CLUBS AND LODGES, PRIVATE, AS A PERMISSIBLE USE IN THE DOWNTOWN COMMERCIAL ZONING DISTRICT, TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

*WHEREAS*, the City of Tifton Land Development Code was adopted on July 2, 2012 which, in part, regulated the location of private clubs and lodges in certain zoning districts within the City;

*WHEREAS*, the location of private clubs and lodges in the Downtown Commercial zoning district will have a detrimental impact on the availability of parking for the general public and adversely effect the economic development of the downtown commercial district;

*WHEREAS*, it is the desire of the Mayor and City Council for the City of Tifton that private clubs and lodges be removed as a permissible use in the Downtown Commercial zoning district;

*NOW THEREFORE*, having reviewed the record before it and after applying all applicable standards and ordinances;

***BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIFTON*** that Chapter 1, Section 1.09.00 (Acronyms and Definitions) of the City of Tifton Land Development Code be amended by revising the definition of *Club, or lodge, private* to read as follows:

*Club, or lodge, private.* An incorporated or unincorporated association which regularly assembles for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

***BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIFTON*** that Section 2.03.03- [Table of Uses] of the City of Tifton Land Development Code be amended by removing Clubs and Lodges, Private as a permissible use in the Commercial Downtown Zoning District, Part 5.13 of the Table of Uses to read as follows:

5.0 Non-Residential Uses	SA	R20	R14 R12 R10	RS	MR	RP	NC	GB	CD	WLI	HI	PUD PDR
5-13 Clubs and Lodges, Private								S 5.02.08				

**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 is repealed.

**EFFECTIVE DATE**

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

Read, passed and adopted at a Regular Meeting of the City Council of the City of Tifton held on the \_\_\_ day of May, 2015.

\_\_\_\_\_  
**Jamie Cater**  
*Mayor, City of Tifton*

APPROVED as to Form:

Attest:

\_\_\_\_\_  
**Robert C. Wilmot**  
*City Attorney*

\_\_\_\_\_  
**Rona Martin**

## PUBLIC NOTICE

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

**May 19, 2015, 6:00 PM**

### Meeting is Open to the Public

The City of Tifton Planning and Zoning Commission will consider a Text Amendment to the City of Tifton Land Development Code as follows:

(1) To Amend Section 2.03.03- [Table of Uses] of the City of Tifton Land Development Code by removing Clubs and Lodges, Private as a permissible use in the Commercial Downtown Zoning District, Part 5.13 of the Table of Uses to read as follows:

5.0 Non-Residential Uses	SA	R20	R14 R12 R10	R8	MR	RP	NC	GB	CD	WLI	HI	PUD PDR
5-13 Clubs and Lodges, Private								S 5.02.08				

(2) To amend Chapter 1 Section 1.09.00 [Definitions] by revising the definition of *Club, or lodge, private* to read as follows:

*Club, or lodge, private.* An incorporated or unincorporated association which regularly assembles for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

## NOTICE OF PUBLIC HEARING

**The City of Tifton Council will hold a Public Hearing June 1, 2015, at 5:00  
PM at 130 East 1<sup>st</sup> Street, City Council Chambers, Tifton, Georgia**

The Mayor and City Council for the City of Tifton proposes a Text Amendment to the City of Tifton Land Development Code as follows:

(1) To amend Section 2.03.03- [Table of Uses] of the City of Tifton Land Development Code by removing Clubs and Lodges, Private as a permissible use in the Commercial Downtown Zoning District, Part 5.13 of the Table of Uses to read as follows:

5.0 Non-Residential Uses	SA	R20	R14	R12	R10	R8	MR	RP	NC	GB	CD	WLI	HI	PUD PDR
5-13 Clubs and Lodges, Private										S 5.02.08				

(2) To amend Chapter 1 Section 1.09.00 [Definitions] the the definition of *Club, or lodge, private* to read as follows:

*Club, or lodge, private.* An incorporated or unincorporated association which regularly assembles for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

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

**ORDINANCE NO. 2015-\_\_\_\_\_**

**[ORDINANCE TO AMEND CHARTER BY HOME RULE]**

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF TIFTON BY AMENDING ARTICLE VI SECTION 6.25(b) TO PROVIDE FOR THE ADOPTION OF THE FINAL OPERATING BUDGET FOR THE ENSUING FISCAL YEAR NOT LATER THAN JULY 1 OF EACH YEAR; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL OTHER ACTS AND ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Tifton, Georgia, a municipal corporation of the State of Georgia (the "City") operates pursuant to the Constitution and laws of the State of Georgia and its charter, approved April 4, 1997 (Ga. L. 1997, p. 3970), as amended; and

**WHEREAS**, the City has now determined that it is necessary to make certain amendments to its Charter pursuant to its home rule powers granted pursuant to Article IX, Section II, Paragraph II of the Constitution of the State of Georgia and O.C.G.A. Sections 36-35-1 through 36-35-7.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA AND IT IS HEREBY ORDAINED**, by the authority of the same, as follows:

**Section 1.** The Charter of the City of Tifton, Georgia, which was established by an Act creating a Charter for the City of Tifton, Georgia, approved on April 4, 1997 (Ga. L. 1997, p. 3970), as amended, is hereby amended by amending Article VI Section 6.25(b) of the Charter to provide for the adoption of the final operating budget for the ensuing fiscal year not later than July 1 of each year, Article VI Section 6.25(b) to read as follows:

**Section 6.25. - Adoption.**

(b)The city council shall by ordinance adopt the final operating budget for the ensuing fiscal year not later than July 1 of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation resolution adopted pursuant to Section 6.23 of this charter.

**Section 2.** All portions of the Charter or amendments thereto or all ordinances in conflict herewith be and same are hereby repealed.

**Section 3.** If any part of this ordinance shall be declared void, it is the intent and purpose hereof that all other provisions not so declared void shall remain in full force and effect.

**Section 4.** The Clerk of the City is hereby authorized and directed to cause a notice, a copy of which is attached hereto as Exhibit "A" and hereby incorporated by reference, to be published in *The Tifton Gazette*, the official newspaper in which Sheriff's advertisements are published in Tift County, in which the City is located, once a week for three weeks within a period of sixty days immediately preceding the day of the final adoption of this ordinance. The Clerk of the City is also hereby authorized and directed to cause the publisher of *The Tifton Gazette* to execute an affidavit of such publication.

This ordinance was introduced and read at a lawful meeting of the Council of the City of Tifton held on April 6, 2015, and read the second time, passed, and adopted in like meeting held on June 1, 2015.

---

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

**APPROVED as to Form:**

**Attest:**

---

**Robert C. Wilmot**  
***City Attorney***

---

**Rona Martin**  
***City Clerk***

Exhibit A  
Ordinance No. 2015-\_\_\_\_\_

**NOTICE OF INTENTION TO AMEND CHARTER OF THE  
CITY OF TIFTON, GEORGIA, BY ORDINANCE PURSUANT TO THE  
PROVISIONS OF THAT ACT OF THE GENERAL ASSEMBLY KNOWN AS  
"THE MUNICIPAL HOME RULE ACT OF 1965"**

**CITY OF TIFTON  
COUNTY OF TIFT  
STATE OF GEORGIA**

Notice is hereby given that an ordinance will be introduced on March 2, 2015 and read for final adoption on June 1, 2015 to amend the Charter of the City of Tifton, Georgia, which was created by an Act on April 4, 1997 (Ga. L. 1997, p. 3970), as amended, so as to provide for the adoption of the final operating budget for the ensuing fiscal year not later than July 1 of each year and for other purposes.

A copy of this proposed amendment to the Charter of the City of Tifton, Georgia is on file in the office of the Clerk of the City of Tifton, and is on file in the office of the Clerk of the Superior Court of Tift County, Georgia, for the purpose of examination and inspection by the public, all as required by law. A copy of the ordinance will be filed with the Georgia Secretary of State upon passage.

This \_\_\_ day of \_\_\_\_\_, 2015.

Rona Martin  
City Clerk  
City of Tifton, Georgia

Filed in the Office of the Clerk of Tift Superior Court on \_\_\_\_\_, 2015.

**Print once per week for three weeks.**

**TIFTON CITY COUNCIL AGENDA ITEM**

TO: Tifton City Council  
FROM: Rona Martin, City Clerk  
DATE: 05/15/2015  
DEPARTMENT: City Clerk's Office  
SUBJECT: Alcoholic Beverage License  
Shell Food Mart



DATE: 02/26/2015  
Workshop Meeting (X)  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Shell Food Mart, located at 2302 US Hwy. 41 N. is under new ownership, and is requesting a malt and wine beverage package retail license. A background check was done in October on Ms. Mary Louise Dixon as owner/manager of Shell Food Mart which revealed no violations. Ms. Dixon is in the process of moving to Tifton.

**PROPOSED ACTION**

Staff recommends approval of the alcoholic beverage license.

**SUPPORTING INFORMATION**

**Background Information**

See attached

**Financial Implications**

Cost of the new application fee and license is \$1100.

**Pros and/or Cons**

n/a

**Implementation**

License will be issued after council approval.

CITY OF TIFTON, GEORGIA  
RESOLUTION NO. 2015-\_\_\_\_\_  
[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 **SHELL FOOD MART** [APPLICANT] FOR PREMISES LOCATED AT **2302 US HWY. 41 N.**

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. (05842)  
Applicant Name: SHELL FOOD MART  
Business Location: 2302 US HWY. 41 N.  
Type of License: MALT BEVERAGE PACKAGE RETAIL  
Type of License: WINE BEVERAGE PACKAGE RETAIL

Time Period of License: **2015**

-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 June 1, 2015.

Attest:

\_\_\_\_\_  
Rona Martin,  
Clerk of the City of Tifton

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



# TIFTON

City Clerk's Office - Business Licensing Division  
 130 E 1<sup>st</sup> Street - P.O. Box 229 - Tifton, GA 31793-0229  
 (229) 382-6231 - Fax (229) 391-3990  
 Website: <http://www.tifton.net> Email: [cityclerk@tifton.net](mailto:cityclerk@tifton.net)



## ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New (✓) Renewal ( )

Amended: \_\_\_\_\_ Reason: \_\_\_\_\_

Business Name: Shell Food Mart / MLDixon Investment Inc  
 Licensee Name: Mary L Dixon  
 Business Location: 23020 US Hwy 41 N, Tifton, GA 31793  
 Owner/Manager's Name: Mary L Dixon

### Type of License

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

Business Mailing Address: Same as above  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephone Number 229 326 6903

This Information Sheet is on:

Signature: Mary L Dixon Date: 5-26-15  
 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>D. Dardy</u>	Approval (✓) Denied ( ) Date <u>MAY 18 2015</u>
City Clerk <u>Rona Martin</u>	Approval (✓) Denied ( ) Date <u>5/18/15</u>
City Manager <u>Tommy Oxman</u>	Approval (✓) Denied ( ) Date <u>5-19-15</u>



City of Tifton, Georgia  
Criminal History Record  
Consent Form

I hereby give the City of Tifton CONTINUING permission and authority to receive any criminal history record information pertaining to me, which may be in the files of the City, Tift County, the State of Georgia, or of the United States. [See Section 6-66, Paragraph 17, Subsections (2) (3) and (4) of the Code of Ordinances.]

In the event of the termination of my association with the business with which this document is part of, my consent will automatically be rescinded.

Shell Food Mart  
Business Name

Mary Louise Dixon  
Full Name Printed

104 Holly Dr  
Home Address

Eatonton, GA 31024  
City State Zip

229 291 2275  
Home Telephone Number

F  
Sex

BLK  
Race

7/20/42  
DOB

260 70 6122  
SSN

Mary L. Dixon  
Signature

Rona Martin  
Notary

3/26/15  
Date



CERTIFIED COPY OF  
THE TIFTON POLICE DEPARTMENT

No Record  
Spide J. Boyer  
57575

**TIFTON CITY COUNCIL AGENDA ITEM**



TO: Tifton City Council  
FROM: Rona Martin, City Clerk  
DATE: 05/12/2015  
DEPARTMENT: City Clerk's Office  
SUBJECT: Alcoholic Beverage License  
Amendment – The Olive Garden

DATE: 05/21/2015  
Workshop Meeting (X)  
Regular Meeting ( )  
Called Meeting ( )

**EXECUTIVE SUMMARY**

The Olive Garden, located at 1208 HWY. 82 W. is under new management, and is requesting an amended malt, wine, and distilled spirits on premise consumption retail license. A background check was done on Demetrise Battle, Manager, which revealed no violations.

**PROPOSED ACTION**

Staff recommends approval of the alcoholic beverage license.

**SUPPORTING INFORMATION**

**Background Information**

See attached

**Financial Implications**

Cost of the new application fee and license is \$100.

**Pros and/or Cons**

n/a

**Implementation**

License will be issued after council approval.

CITY OF TIFTON, GEORGIA  
RESOLUTION NO. 2015-\_\_\_\_\_  
[Issuance of Amended-New Manager-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 **THE OLIVE GARDEN** [APPLICANT] FOR PREMISES LOCATED AT **1208 HWY. 82 W.**

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. (05010)  
Applicant Name: THE OLIVE GARDEN  
Business Location: 128 HWY. 82 W.  
Type of License: MALT BEVERAGE CONSUMPTION RETAIL  
Type of License: WINE BEVERAGE CONSUMPTION RETAIL  
Type of License: DISTILLED SPIRITS CONSUMPTION RETAIL

Time Period of License: **2015**

-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 June 1, 2015.

Attest:

\_\_\_\_\_  
Rona Martin,  
Clerk of the City of Tifton

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



# TIFTON



City Clerk's Office - Business Licensing Division  
 130 E. 1<sup>st</sup>. Street - P.O. Box 229- Tifton, GA 31793-0229  
 (229) 382-6231 - Fax (229) 391-3990  
 Website: <http://www.tifton.net> Email: [cityclerk@tifton.net](mailto:cityclerk@tifton.net)

## ALCOHOLIC BEVERAGE INFORMATION SHEET

Application: New ( ) Renewal ( )

Amended:  Reason: Manager Change

Business Name: The Olive Garden Italian Restaurant #4459

Licensee Name: GMRI, Inc.

Business Location: 1208 Highway 82 West, Tifton, GA 31794

Owner/Manager's Name: Demetrise B. Battle

### Type of License

- |  |   |
|--|---|
| <input type="checkbox"/> Malt Beverage Package Retail                    | <input type="checkbox"/> Wine Package Retail                |
| <input checked="" type="checkbox"/> Malt Beverage Consumption Retail     | <input checked="" type="checkbox"/> Wine Consumption Retail |
| <input checked="" type="checkbox"/> Distilled Spirits Consumption Retail |   |

Business Mailing Address: Attn: Licensing, P.O. Box 695016  
 City Orlando State FL Zip Code 32869-5016

Telephone Number (800) 248-4918, X5332

This Information Sheet is on:

Signature: Demetrise Battle Date 4/21/15  
 Demetrise B. Battle Owner ( ) Manager (X)

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>DD Dowdy</u>	Approval ( <input checked="" type="checkbox"/> ) Denied ( )	Date <u>5-6-15</u>
City Clerk	<u>Rona Martin</u>	Approval ( <input checked="" type="checkbox"/> ) Denied ( )	Date <u>5/7/15</u>
City Manager	<u>Long M. B. B...</u>	Approval ( <input checked="" type="checkbox"/> ) Denied ( )	Date <u>5-7-15</u>



City of Tifton, Georgia  
Criminal History Record  
Consent Form

I hereby give the City of Tifton CONTINUING permission and authority to receive any criminal history record information pertaining to me, which may be in the files of the City, Tift County, the State of Georgia, or of the United States. [See Section 6-66, Paragraph 17, Subsections (2) (3) and (4) of the Code of Ordinances.]

In the event of the termination of my association with the business with which this document is part of, my consent will automatically be rescinded.

GMRI, Inc. dba The Olive Garden Italian  
Restaurant #4459

Business Name

Demetrise B. Battle

Full Name Printed

7237 Wedgewood Drive

Home Address

Midland GA 31820  
City State Zip

706-681-0700

Home Telephone Number

CERTIFIED COPY OF  
THE TIFTON POLICE DEPARTMENT  
"NO RECORD IN GA"  
5-5-2015  
SMW

M  
Sex

B  
Race

2/6/1970  
DOB

259-23-8182  
SSN

*Demetrise Battle*

Signature

*Carrie B. Hall*  
Notary

*April 21, 2015*  
Date

CARRIE B. HALL 130 E  
Notary Public  
Tift County  
State of Georgia  
My Commission Expires Feb 3, 2016

1<sup>st</sup> Street, P.O. Box 229, Tifton, GA 31794 fax 229-391-3990

**CITY OF TIFTON**

**RESOLUTION NO. 2015-\_\_\_\_\_**

**(A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA  
DECLARING CERTAIN REAL PROPERTY SURPLUS AND PROVIDING FOR ITS  
DISPOSITION)**

**WHEREAS**, in the judgment of the City Council of the City of Tifton, Georgia, the following described real property is no longer useful for public purposes and is therefore deemed surplus.

**DESCRIPTION OF PROPERTY HEREBY DECLARED SURPLUS**

All of Lot 3, Block 87 in the City of Tifton as laid out and designated on the official map of the City of Tifton made by J. L. Thrash, C.E., on March 25, 1927, which said lot fronts east 100 feet on Love Avenue and extends back westward of even width 200 feet to an alley, said property being the same property conveyed by Warranty Deed from Harley L. Troupe, by his sole surviving heir at law to Ida S. Troupe, recorded in Deed Book 215, page 280, recorded in the office of the Clerk of Tift County Superior Court. Said property is currently known as 816 Love Avenue, Tifton, Georgia 31794, and is designated by the Tift County Tax Commissioner as Map T42, Parcel 79.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The above described real property is hereby deemed surplus and the city manager is authorized to dispose of it consistent with Georgia law.

**ADOPTED** by the Mayor and City Council of the City of Tifton this 1st day of June, 2015.

\_\_\_\_\_  
J.G. "Jamie" Cater, Jr.  
*Mayor*

Attest:

\_\_\_\_\_  
Rona Martin  
*City Clerk*



FOLLOWING RECORDATION, PLEASE RETURN TO:

Wilmot & Powell, L.L.C.  
614 North Tift Ave., Tift County  
Tifton, GA 31794  
(229) 382-9851 Court Clerk's Office

Filed and Recorded in this  
Office this 1st

day of Oct, 2014

time 12:12pm

Gwen C. Pate

Clerk of Superior Court  
GEORGIA, TIFT COUNTY

Instrument # 3445

VOL. 1766 PG. 104

RECEIVED  
TIFT COUNTY  
CLERK'S OFFICE  
2014 OCT -6 PM 12:12  
GWEN C. PATE  
CLERK

WARRANTY DEED

THIS INDENTURE made this 3<sup>rd</sup> day of October, 2014, by and between James P. Atwater, Sr., Linda H. Atwater and Brian Ashley Atwater of Tift County, Georgia, as Grantors, and the City of Tifton of Tift County, Georgia, as Grantee:

WITNESSETH:

IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby grant, sell, convey and deliver unto Grantee, its successors and assigns, the following described property:

Property Description

All of Lot 3, Block 87 in the City of Tifton as laid out and designated on the official map of the City of Tifton made by J.L. Thrash, C.E., on March 25, 1927, which said lot fronts east 100 feet on Love Avenue and extends back westward of even width 200 feet to an alley, said property being the same property conveyed by Warranty Deed from Harley L. Troupe, by his sole surviving heir at law to Ida S. Troupe, recorded in Deed Book 215, page 280, recorded in the office of the Clerk of Tift County Superior Court. Said property is currently known as 816 Love Avenue, Tifton, Georgia 31794, and is designated by the Tift County Tax Commissioner as Map T42, Parcel 79.

TO HAVE AND TO HOLD such properties in fee simple with all rights and appurtenances thereunto belonging unto Grantee, its successors and assigns, and Grantors will warrant and forever defend the title thereto against the lawful claims of all persons whomsoever by virtue of these presents.

IN WITNESS WHEREOF, James P. Atwater, Sr., Linda H. Atwater and Brian Ashley Atwater, Grantors, have hereunto signed their names and affixed their seals on this 3<sup>rd</sup> day of October, 2014.

Tift Co., Ga.  
Real Estate Transfer Tax

Paid \$ 0

Date: 10-6-14

Tax # 137-2014-001024

Gwen C. Pate  
Clerk of Superior Court

FOLLOWING RECORDATION, PLEASE RETURN TO:

Wilmot & Powell, L.L.C.  
614 North Tift Ave.  
Tifton, GA 31794  
(229) 382-9081

VOL. 1766 PG. 105

James P. Atwater Sr. L.S.  
JAMES P. ATWATER, SR.

Signed, sealed and delivered  
this 3rd day of October, 2014  
in the presence of:

Witness  
[Signature]  
Notary Public  
My Commission Expires: 2-28-15

Linda H. Atwater L.S.  
LINDA H. ATWATER

Signed, sealed and delivered  
this 3rd day of September, 2014  
in the presence of:

Witness  
[Signature]  
Notary Public  
My Commission Expires: 2-28-15

[Signature] L.S.  
BRIAN ASHLEY ATWATER

Signed, sealed and delivered  
this 3rd day of September, 2014  
in the presence of:

Witness  
[Signature]  
Notary Public  
My Commission Expires: 2-28-15

**CITY OF TIFTON**

**RESOLUTION NO. 2015-\_\_\_\_\_**

**(A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA  
DECLARING CERTAIN REAL PROPERTY SURPLUS AND PROVIDING FOR ITS  
DISPOSITION)**

**WHEREAS**, in the judgment of the City Council of the City of Tifton, Georgia, the following described real property is no longer useful for public purposes and is therefore deemed surplus.

**DESCRIPTION OF PROPERTY HEREBY DECLARED SURPLUS**

All that tract or parcel of land lying and being in the County of Tift, State of Georgia, being all of Lot No. 10 and a portion of Lot No. 11 in Block No. 87 of the City of Tifton, said county and state, according to the official map thereof. Said property is currently known as 811 North Central Avenue, Tifton, Georgia 31794, and is designated by the Tift County Tax Commission as Map T42, Parcel 67.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The above described real property is hereby deemed surplus and the city manager is authorized to dispose of it consistent with Georgia law.

**ADOPTED** by the Mayor and City Council of the City of Tifton this 1st day of June, 2015.

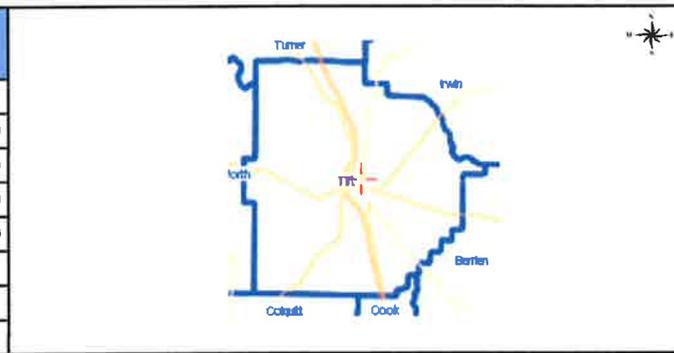
\_\_\_\_\_  
J.G. "Jamie" Cater, Jr.  
*Mayor*

Attest:

\_\_\_\_\_  
Rona Martin  
*City Clerk*



Tift County Assessor			
Parcel: T042 067 Acres: 0.31			
Name:	CITY OF TIFTON	Land Value:	\$26,400.00
Site:	811 N CENTRAL AVE	Building Value:	\$47,136.00
Sale:	\$0 on 10-2014 Reason=4B Qual=U	Misc Value:	\$0.00
Mail:	204 NORTH RIDGE AVENUE TIFTON, GA 31794	Total Value:	\$73,536.00



The Tift County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER TIFT COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 05/14/15 : 09:43:06

FOLLOWING RECORDATION, PLEASE RETURN TO:

Wilmot & Powell, L.L.C.  
614 North Tift Ave.  
Tifton, GA 31794  
(229) 382-9081

Tift Co., Ga.  
Real Estate Transfer Tax

Paid \$ 0

Recorded in this office this 10th

Date: 10-06-14

day of Oct, 2014

Tax # 137-2014-001015

time: 12:12pm

*[Signature]*

*[Signature]*

Clerk of Superior Court

Clerk of Superior Court

WARRANTY DEED

RECEIVED  
TIFT COUNTY  
CLERK'S OFFICE  
2014 OCT -6 PM 12:12  
GWEN C. PAITE  
CLERK

GEORGIA, TIFT COUNTY

THIS INDENTURE made this 3<sup>rd</sup> day of October, 2014, by and between Tiftarea Properties, LLC of Tift County, Georgia, as Grantor, and the City of Tifton of Tift County, Georgia, as Grantee:

WITNESSETH:

IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, sells, conveys and delivers unto Grantee, its successors and assigns, the following described property:

Property Description

All that tract or parcel of land lying and being in the County of Tift, state of Georgia, being all of Lot No. 10 and a portion of Lot No. 11 in Block No. 87 of the City of Tifton, said county and state, according to the official map thereof and particularly described as follows: To find the point or place of beginning commence at the southeastern corner of the intersection of 10th Street and North Central Avenue, thence travel South 18 degrees 30 minutes 00 seconds West a distance of 212.52 feet to a point and an iron pin set the same being the point or place of beginning of the tract herein described; from said beginning point travel South 71 degrees 41 minutes 21 seconds East a distance of 200 feet to an alley and an iron pin set; thence travel South 18 degrees 30 minutes 00 seconds West a distance of 88.14 feet to a point and an iron pin set; thence travel North 71 degrees 30 minutes 00 seconds West a distance of 200 feet to a point and an iron pin set said point being on the eastern right of way line of North Central Avenue; thence travel North 18 degrees 30 minutes 00 seconds East a distance of 87.48 feet to a point and an iron pin set the same being the point or place of beginning of the tract herein described. This tract or parcel of land is more particularly delineated on that certain plat of survey entitled "Survey for Tiftarea Properties, LLC" dated June 3, 2004, and prepared by Sunbelt Surveyors, Inc., said plat being recorded in Plat Book 37 page 150A, public records of Tift County, Georgia

FOLLOWING RECORDATION, PLEASE RETURN TO:

VOL. 1766 PG. 107

Wilmot & Powell, L.L.C.  
614 North Tift Ave.  
Tifton, GA 31794  
(229) 382-9081

and the same being incorporated herein for a more particular description of said tract or parcel of land. Said property is currently known as 811 North Central Avenue, Tifton, Georgia 31794, and is designated by the Tift County Tax Commissioner as Map T42, Parcel 67.

TO HAVE AND TO HOLD such properties in fee simple with all rights and appurtenances thereunto belonging unto Grantee, its successors and assigns, and Grantor will warrant and forever defend the title thereto against the lawful claims of all persons whomsoever by virtue of these presents.

IN WITNESS WHEREOF, Tiftarea Properties, LLC, Grantor, has hereunto signed its name and affixed its seal on this 3<sup>rd</sup> day of October, 2014.

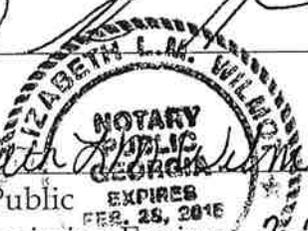
TIFTAREA PROPERTIES, LLC

Colt Anderson L.S.  
By: Colt Anderson, Member

Greg Willis L.S.  
By: Greg Willis, Member

Signed, sealed and delivered  
this 3<sup>rd</sup> day of October, 2014  
in the presence of:

Witness [Signature]  
Elizabeth L.M. Wilcox  
Notary Public  
My Commission Expires 2-28-15



**CITY OF TIFTON**

**RESOLUTION NO. 2015-\_\_\_\_\_**

**(A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA PROVIDING FOR PROBATION SUPERVISION SERVICES WITH PROFESSIONAL COURT SERVICES ACCORDING TO CERTAIN TERMS AND CONDITIONS)**

**WHEREAS**, Professional Court Services entered into contract with the City of Tifton to provide probation supervision services in 1998; and

**WHEREAS**, Professional Court Services has met, and will continue to meet, all of the standards and qualifications in the provisions of probation services as set forth by the State of Georgia County and Municipal Probation Advisory Council established by O.C.G.A. Section 42-8-101; and

**WHEREAS**, Professional Court Services will enter into agreement with the City of Tifton to provide general probation service to persons convicted of a misdemeanor in the Municipal Court of the City of Tifton, Georgia; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The City Manager is authorized to enter into contract with Professional Court Services under the terms agreed upon as stated in the contract.

**ADOPTED** by the Mayor and City Council of the City of Tifton this 1st day of June, 2015.

\_\_\_\_\_  
J.G. "Jamie" Cater, Jr.  
*Mayor*

Attest:

\_\_\_\_\_  
Rona Martin  
*City Clerk*

**CONTRACT FOR PROBATION  
SUPERVISION SERVICES**

This Agreement is entered into this \_\_\_ day of May, 2015 by and between the **CITY OF TIFTON**, a Georgia, a municipal corporation, (hereinafter referred to as "*City*"), acting on behalf of its Municipal Court, (hereinafter referred to as "*Court*"), and pursuant to the provisions of O.C.G.A. Section 42-8-100 enters into an Agreement with **PROFESSIONAL COURT SERVICES, INC.**, (hereinafter referred to as "*Professional Court Services*" and "*PCS*," ) to provide general probation service to persons convicted of a misdemeanor in the Municipal Court of the City of Tifton, Georgia.

The City and PCS, for and in consideration of the mutual covenants, agreements and promises as hereinafter set forth, do hereby agree and contract as follows:

**SECTION 1**

**General Provisions**

- (A) During the term of this contract, Professional Court Services shall be the private entity to coordinate and provide direct probation supervision to offenders sentenced under the jurisdiction of the Municipal Court of the City of Tifton.
  
- (B) Professional Court Services shall meet all standards and qualifications in the provisions of probation services as set forth by the State of Georgia County and Municipal Probation Advisory Council established by O.C.G.A. Section 42-8-101.
  
- (C) It shall be the responsibility of PCS to determine whether an offender is indigent when indigency is one of the Court's determining factors for placing an offender on probation. PCS shall handle the verification evidence in a separate hearing the week following sentencing when an offender claims indigency. However, PCS shall verify employment on the day of the original Court date.

**SECTION 2**

**Scope of Services**

Professional Court Services shall provide the services and programs for the misdemeanor offenders placed on probation by the Municipal Court of the City of Tifton. More specifically, PCS shall provide the following services and programs for the Municipal Court of the City of Tifton, to wit:

- A. **Service to Offenders:** PCS shall provide general probation services to include counseling and supervision to offenders under the jurisdiction of the court as set forth in "Exhibit A" within this document.
- B. **Individual Files for Each Offender:** PCS shall maintain individual files for each offender sentenced to probation. These files will be maintained in a secure area but will be the property of the City of Tifton.
- C. **Probation Officers:** Probation Officers should supervise no more than 300 active probation cases per officer.

**ACTIVE CASES (A)** - are classified as those individuals who are still working toward the completion of their court-ordered **special conditions** – Fines, CSW, GED, DUI School, etc.

**ACTIVE LOW RISK (ALR)** – Once a case has completed all special conditions, they may be placed into this category. However, we will continue to monitor for new arrest/violation and compliance to general conditions.

- D. **Reporting-** All probationers are instructed to report as outlined in their probation order. Deviations from said reporting must be approved by the Judge. A probationer may be required to report weekly, bi-weekly or monthly. A report can be considered In-person/face to face, by phone, email, text or letter. Reporting and failure to report will be recorded and maintained our computer program, "Probation Tracking System" (PTS).
- E. **Reports:** PCS shall provide timely and prompt reports as required by the City during the period of this Agreement.
- F. **Maintenance of Fiscal Reports:** PCS shall maintain fiscal reports and financial records that will be promptly made available to the City upon request.
- G. **Tender of Monthly Reports :** PCS shall provide to the judge with whom the contract or agreement was made and the council a quarterly report summarizing the number of offenders under supervision; the amount of fines, statutory surcharges, and restitution collected; the number of offenders for whom supervision or rehabilitation has been terminated and the reason for the termination; and the number of warrants issued during the quarter, in such detail as the council may require. All records provided under the provisions of this section shall be open to inspection upon

the request of the City, the court, the Department of Audits and Accounts, or the County and Municipal Probation Advisory Council or its designee.

- H. **Tender of Monthly Reports / Fines and Restitution** PCS shall submit written monthly reports to the City on the amount of Court fines, costs and restitution ordered by the Court and collected by PCS from the offender. PCS shall also tender all fines, costs and restitution ordered by the Court and collected by PCS from the offender to the Court no later than the tenth of the month (month following month fines, costs and restitution collection).
- I. **Confidentiality of Records:** PCS shall comply with all laws regarding confidentiality of offender records including but not limited to the requirements of O.C.G.A. Section 42-8-106.
- J. **Provision of Contractor's Bond:** PCS shall provide a Service Contractor's bond in the amount of One Million Dollars (\$1,000,000.00). The bond shall be in a form to be approved by the City and the surety shall likewise be approved by the City.
- K. **No Profit from Fines and Restitution:** PCS shall not attempt to profit from any fines, restitution, or court cost collected from offenders.
- L. **General Probation Services:** PCS shall perform those General Probation Services listed on Exhibit A attached hereto and incorporated herein by reference.
- M. **Specific Programs and Services:** PCS shall perform those Specific Programs and Services listed on Exhibit B attached hereto and incorporated herein by reference.
- N. **Revocation Procedures:** PCS shall comply with the Revocation Procedures as stated in Exhibit C attached hereto and incorporated herein by reference.

### **SECTION 3**

#### **Term and Termination**

- (a) The initial term of this Agreement shall be for a period of twelve (12) months commencing January 1, 2015 and terminating December 31, 2015.

- (b) This contract shall terminate absolutely on December 31, 2015 without further obligation of the City unless renewed as provided.
- (c) The total obligation of the City for the calendar year shall be \$ -0.00- and shall be of equal sum for each renewal period unless this Agreement is amended in writing.
- (d) This Agreement shall automatically renew on January 1, 2016 of each subsequent calendar year absent the City's written notice at least thirty days (30) prior to the end of the then current calendar year.
- (e) This contract can be terminated by either party upon giving thirty (30) days written notice. Moreover, this contract can be terminated immediately by either party upon breach of any provisions of this contract by the other party.
- (f) If this contract is terminated for any reason, PCS shall turn over all records and files of offenders which PCS has in its possession pursuant to this Agreement. The delivery of these records and files shall be handled immediately, both parties acknowledging that such records and files are the property of the City of Tifton.

#### **SECTION 4**

##### **Access to Books and Records**

City representatives shall have access, at any reasonable time after three (3) days notice, to all records, receipts, and memoranda pertaining to work under the contract for the purpose of conducting an independent fiscal audit for any fiscal year within the previous two years.

#### **SECTION 5**

##### **Insurance**

PCS hereby agrees that it shall, at its own expense, maintain in full force and effect during the term of this Agreement or any renewal thereof, Worker's Compensation insurance in the amount required by applicable law and general liability insurance in the amount of One Million Dollars (\$1,000,000.00) per occurrence. It is specifically understood that PCS is acting as an independent contractor and is not an

employee or agent of the City of Tifton. With respect to general liability insurance, this coverage shall be purchased with an insurer acceptable to the City of Tifton.

#### **SECTION 6**

##### **Indemnification and Hold Harmless**

With regard to the work to be performed by PCS, neither the Court nor the City shall be liable to PCS, nor to anyone who may claim a right resulting from any relationship with PCS, for any act or omission of PCS, its employees, agents or participants. In addition, PCS agrees to indemnify and hold harmless the Court and the City, its employees, agents, officers, and participants from any and all claims, actions, proceedings, expenses, damages, liabilities, or losses (including, but not limited to attorney's fees and court costs) arising out of or in connection with the services performed by PCS.

#### **SECTION 7**

##### **Staff Qualifications and Staff Levels**

All PCS staff will meet or exceed the requirements of O.C.G.A. Title 42 governing State Probation Officers. A criminal records check will be conducted on all employees.

#### **SECTION 8**

##### **Training of Staff**

PCS will provide one-on-one training to orient newly hired Probation Officers and aides in regard to policies and procedures as they relate to the Court and Probation Law.

#### **SECTION 9**

##### **Payment Rate**

Offenders will be charged a fee at the rate of Forty Dollars (\$40.00) per month. See "*Exhibit B*".

## **SECTION 10**

### **Procedures for Handling Indigent Offenders**

If at the time of sentencing an Offender is declared by the court to be indigent and fines are waived, the order and documentation will be retained the Offender's file. If at the time of sentencing, the court does not declare an Offender to be indigent, but during the supervision process the probation officer determines the Offender to indigent, the probation officer may request an indigent hearing. At the hearing the Offender can present documentation indicating that they are indeed indigent – futile employment attempts, lack of work, current bills, pay stubs, garnishments, etc. If the Court finds that the Offender is indigent, fines may be modified or suspended. The Court at its discretion may also order a waiver of probation supervision fees. In all instances where an Offender is declared indigent, the Offender will receive the same level of supervision as non- indigent Offenders.

## **SECTION 11**

### **Attorney's Fees**

If it becomes necessary for the City of Tifton to employ legal counsel to enforce any provision of this contract, PSC agrees to reimburse the City for all of such legal fees and costs of litigation.

## **SECTION 12**

### **Entire Agreement**

This contract, including *Exhibits A, B and C* attached hereto, constitutes the entire agreement between the parties and any previous writing or oral agreement is merged into this document and does not independently survive the provisions of this Agreement. This Agreement cannot be modified except in writing signed by all parties hereto.

## **SECTION 13**

### **Conflict of Laws**

If any provision of this Contract is or later becomes violative of any City, State or Federal rule, regulation, law or ordinance, then such violative section shall be rewritten to comply with applicable law if such provision can be rewritten without destroying the effectiveness of this Contract. If such violative

section cannot be rewritten without destroying the effectiveness of this Contract, then this Contract shall be terminated.

**SECTION 14**

**Registration**

PCS certifies that it has registered with the County and Municipal Probation Advisory Council, pursuant to O.C.G.A. § 42-8-107, before entering into this contract to provide services.

This Agreement shall be effective on the first day of the 1<sup>st</sup> day of January, 2015.

**MUNICIPAL COURT FOR THE CITY OF  
TIFTON**

By: \_\_\_\_\_  
Chad VanOrman, Presiding Judge

**CITY OF TIFTON**

By: \_\_\_\_\_  
Larry Riner, City Manager

**PROBATION COURT SERVICES, INC.**

By: \_\_\_\_\_  
Darrien Teals, Vice President

## EXHIBIT A

### GENERAL SERVICES

- PCS will have a representative in attendance at each Court session to assist the Court in handling each case. Assistance will include giving instruction and completing necessary paperwork on individuals being sentenced. PCS will also have a Hispanic/Spanish language interpreter present and available for trials, hearings, and pleas in addition to being available for probation discussions.
- PCS will work closely with the Clerk of the Court to provide all information needed on individual offenders including verification of address and place of employment. This verified information will be provided no later than at the first probation meeting with the offender. In addition, PCS shall provide a camera (digital preferred) so that a picture of each probationer can be put in his or her file.
- PCS will use a computerized records management system to ensure that the needs of the Court are met. This computerized records management system shall be compatible with the computer system of the Police Department of the City of Tifton. Likewise, PCS shall coordinate its forms with the Tifton Police Department so as to provide for uniformity and ease of understanding with the goal of increased efficiency.
- PCS will provide supervision of all probationers making sure that the conditions required by the Court are followed. PCS shall meet with all probationers on a weekly basis or as specified by the Court. If PCS believes that it is no longer necessary to meet with a probationer on a weekly basis or on the schedule originally specified by the Court, PCS shall have the right to petition the Court to request that it modify its original probation order.
- PCS will maintain historical and current demographic data on each offender including, but not limited to, information regarding any special skills possessed by the probationer that would tend to enhance the community service to be performed.
- PCS will attend all quarterly meetings which will also include Court Personnel, Municipal Judge, City Manager, Assistant City Manager, the City Police Chief or his designee, a representative from City Council, and the City Attorney.
- PCS will confer with the Tifton Police Department for the purpose of obtaining information and providing information within legal means in the location of offenders who have absconded.

- PCS, in the event of revocation hearings, will prepare needed documents and testify in said hearings

## EXHIBIT B

### SPECIFICS REGARDING STANDARDS OF SUPERVISION

#### Specific Programs and Services

- PCS will use local providers to teach certain programs that will benefit all probationers and which **will** aid in the reduction of recidivism,
- PCS will, through its referral process, use local program providers who specialize in programs that will assist probationers in successfully completing probation.
- PCS will collaborate with local program providers and service agencies in the Tifton community to share information which, in turn, will assist with the creation of a probation offender tracking system.
- PCS will work with organizations which specialize in assisting the rising Hispanic probation population.
- PCS will work with the State Labor Department and local employers to assist the referral of probationers with employment needs.
- PCS will refer probationers who have dropped out of school to education providers (to include GED) along with monitoring participation.
- PCS will keep statistics to assist in detecting social trends in types of misdemeanor violations. The Police Department of the City of Tifton will likewise maintain its own data.
- PCS will refer probationers who are parents to parenting classes designed to assist with the stresses of parenting.
- PCS will refer probationers for outpatient counseling where trauma, substance abuse or emotional/psychological help is needed.
- PCS will verify that any probationer's request for changing date(s) of community service is legitimate. As it is the intent of PCS and the City of Tifton to match the probationer with a community service recipient that can provide its own supervisor wherever this is possible, PCS will assign community service jobs routinely to City of Tifton projects and will assign community service jobs to other community service recipients only upon the prior written

approval of the Municipal Court Judge and the Chief of Police.

- A schedule of the range of probation fees and charges assessed to the probationers supervised by the entity will be:

**Community Service Work Fee** - Offenders who are sentenced to perform community service work will be required to pay **\$1** for each hour of community service work performed at the Tifton Police Department. The Court has the discretion to waive said fee if the community service is not performed at the Tifton Police Department or if other mitigating factors are determined.

- To ensure that the City of Tifton is the first payee of each offender's Court fines, PCS' s financial record keeping system will assist in assuring the following:

- 1) All offenders will be required to pay a \$40.00 per month probation fee.
- 2) The probation supervision fee of \$40.00 will not be deducted until at least \$50.00 has been paid to the Court for that month.
- 3) Payments less than \$50.00 per month per offender will all go toward the Court fine.
- 4) All fees charged by specialized providers from PCS referrals will be the responsibility of the offender. PCS will monitor the payment of these fees and will report any deficiencies in a timely manner to the Court.

## EXHIBIT C

### REVOCATION PROCEDURES AND CIRCUMSTANCES

A probation revocation hearing is requested when a probationer has been arrested and/or when there is otherwise evidence of violations of conditions either in the act of a new criminal offense or by violation of technical conditions. Procedures provide guidance in when and how a probation violation hearing is to be requested and scheduled, procedural requirements and record keeping.

A probation revocation hearing is required by law whenever a probationer is arrested for alleged violations of the conditions of probation. A probation revocation hearing may also be utilized without the event of an arrest when there is evidence of a violation in the occurrence of a new criminal offense or when the probationer has violated technical conditions of probation.

A probation revocation hearing should be scheduled in consultation with the court. A delinquent report is the recommended way of conveying to the court the alleged violations of probation and will include the facts that are in evidence of the violations. Other extenuating circumstances can also be included.

The probation violation hearing is a legal proceeding and, as such, must be scheduled and conducted consistent with particular legal standards. The probation officer must be aware of due process requirements and insure that all procedural and legal requirements are met.

The court will approve the proceedings and establish the date for the hearing. It is recommended that the probation officer, prior to the hearing, carefully discuss the facts in evidence with the district attorney or assistant district attorney who will be presenting the case. In matters requiring testimony by other witnesses or the presentation of physical evidence, the probation officer should further confer with the district attorney or assistant district attorney to determine who and what should be subpoenaed for the hearing. If the probationer is in custody, the probation officer should confirm with the sheriff's department or other agency holding the probationer that the probationer will be transported and available for the hearing.

The Petition for Revocation of Probation should be completed and signed by the probation officer, then submitted to the presiding judge for signature. The probationer should not be served with a notice of hearing before the Petition for Revocation is signed by the judge. After the Petition is signed and a hearing is ordered and scheduled, the probationer should be given notice of the hearing by service of the Petition. The probationer should sign the original copy of the Petition and be given a copy. In the event the probationer refuses to sign acknowledging service, the probation officer or other officer serving the Petition should document that the Petition was served and that the probationer refused to sign.

At the time of service of the Petition, the probationer should be fully informed of the alleged violations of probation and of his/her right to legal counsel at the hearing. In the event the probationer reports his/her financial inability to provide their own attorney, or when that fact is apparent to the probation officer, or when there is a question of mental competence on the part of the probationer to be able to secure counsel and prepare his/her own defense, these circumstances should be reported to the presiding judge or district attorney for their further directions. Case law does not require that a probationer have an attorney or require that the court provide an attorney but, in the interest of allowing the probationer "to be heard fully", the court might want to address the issue of counsel prior to the hearing.

Georgia law does not require a specific time period after the Petition is served and notice of the hearing is given before the actual hearing can be held. Due process considerations, however, would require that adequate notice be given such that the probationer would have time to consult with an attorney and prepare a defense. The presiding judge or district attorney again can provide direction as to what constitutes adequate notice in their jurisdiction or according to the circumstances of a particular case. Most offices give a minimum of **seventy-two hours**.

At the hearing, upon a preponderance of evidence that conditions of probation have been violated or when there is an admission of violations of conditions, the court may revoke, modify or continue the sentence of probation.

**MAY WORKSHOP/JUNE MEETING**

**Tifton-Tift County Public Library-(expiration 06/30/2015) - max of 4-3 year terms for a total of 12 years**  
Cecil Cordle

**Planning and Zoning Commission (expiration 06/30/2015) five year terms now in effect**

Bobbie Robinson

Tommy Nalls – Mr. Nalls does not wish to be reappointed

- A reminder that there is a vacancy on the HPC
- A reminder that there are two vacancies on the Tree Board

## Rona Martin

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**From:** Larry Riner  
**Sent:** Wednesday, April 29, 2015 1:22 PM  
**To:** Rona Martin  
**Subject:** FW: Resignation

FYI

-----Original Message-----

**From:** Nalls Tommy [<mailto:ccstifton@gmail.com>]  
**Sent:** Wednesday, April 29, 2015 12:50 PM  
**To:** Larry Riner  
**Subject:** Resignation

Mr. Riner,

This is to advise that my term on the Planning and Zoning Commission expires June 30, 2015. I will not be seeking reappointment for another term.

Respectfully submitted

Tommy Nalls  
109 Braxton Court  
Tifton, Georgia 31793  
229-821-0488

**CITY OF TIFTON GEORGIA  
ORDINANCE NO. 2015 - \_\_**

**AN ORDINANCE OF THE CITY OF TIFTON, GEORGIA TO AMEND ARTICLE III OF  
CHAPTER 6 OF THE CODE OF ORDINANCES RELATED TO PERMISSABLE  
LOCATIONS AND DISTANCES FOR THE SALE OF ALCOHOL; 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 6 Article III of the Code of Ordinances shall be amended by deleting the current Section 6-65 and substituting in lieu thereof the following:

**Sec. 6-65. – Distances and Location.**

- (a)(1) No person knowingly and intentionally may sell or offer to sell:
- (A) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;
  - (B) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any college campus, where so permitted by resolution or ordinance of the county or municipality. As used in this subparagraph, the term “grocery store” means a retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality; or
  - (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.
- (2) As used in this subsection, the term “school building” or “educational building” shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which

are public schools or private schools as defined in subsection (b) of Code Section 20-2-690 of the Official Code of Georgia.

(3) As used in the subsection, "church building" shall mean a stand-alone building owned in fee simple by the religious organization where regular worship services are performed and shall not mean a commonly platted area which has common or shared parking such as shopping centers, strip malls, etc.

(b) Nothing contained in this section shall prohibit the licensing of the sale or distribution of alcoholic beverages by:

(1) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;

(2) Bona fide private clubs, owning their own homes, subject to licensing under Title 3 Chapter 7 of the Official Code of Georgia; and

(3) Licensees for the retail sale of alcoholic beverages for consumption on the premises only.

(c) For purposes of this Code section, distances shall be measured by the most direct route of travel on the ground.

(d)(1) The distances provided in subparagraph (a)(1)(A) through (a)(1)(C) of this section for separation of businesses licensed under this title shall be measured as follows:

(A) In a straight line from the front door of the business regulated under this title;

(B) To the front door of the church or alcohol treatment center as hereinbefore defined, ***or***;

(C) To the nearest property line of the real property of a school building, educational building, school grounds, or college campus.

(2) No location which is licensed to sell alcoholic beverages on the effective date of the ordinance shall be denied continued operation under an existing license, nor shall any new owner of the location be denied a new license based upon the measurements set forth in subsections (a)(1)(A) through (a)(1)(C).

(3) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited in this section shall not prevent the continuance of an existing license or

renewal of a license or the issuance of a new license to any subsequent owner of such property. Provided, further, that the distance requirements herein shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages was lawful at such location at any time during the 12 months immediately preceding such application.

- (4) The distances provided in subparagraph (a)(1)(A) through (a)(1)(C) shall not apply to any bona fide non-profit charitable organization, non-profit civic organization, or authorized catered function that qualifies for a special temporary event as provided in sections 6-100 and 6-175 of this Article or events sponsored by the City of Tifton.

(e)(1) As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

- (2) No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued to sell alcoholic beverages on the effective date of the ordinance nor shall any new owner of the location be denied a new license based upon the measurements set forth in subsections (a)(1)(A) through (a)(1)(C). Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

(f) Notwithstanding any other provision of this article, the location with respect to which an alcoholic beverage license has been issued by the city shall remain eligible for issuance of alcoholic beverage licenses by the city notwithstanding subsequent changes which would otherwise render the locations non-licensable under subsections (a)(1)(A) through (a)(1)(C) for so long as an alcoholic beverage license remains issued for such location by the city, or in the event of the termination or non-renewal of any such license issued with respect to such location, the location itself shall thereafter remain eligible for the issuance of alcoholic beverage licenses if within six months following such termination an alcoholic beverage license is issued by the city for such location.

(g) Notwithstanding the general distance provisions of subsection subsections (a)(1)(A) through (a)(1)(C), pursuant to O.C.G.A. § 3-3-21(b)(3) licensees for the retail sale of alcoholic beverages for consumption on the premises only shall be subject to regulation as to distances from church buildings, school buildings, educational buildings, school grounds, or a college campus

as follows:

- (1) No minimum distance requirements shall apply to the downtown area defined as all of the C-D [commercial downtown] zoning district together with the following area located immediately north of and abutting the C-D zoning district and within—and not abutting or adjacent to the outside edges of—the following borders: On the south by the C-D zoning district, on the east by Love Lane, on the north by 10th Street and on the west by Central Avenue.
  - (2) In all other areas of the City of Tifton in which the retail sale of alcoholic beverages for consumption on the premises is allowed, there shall be a minimum of 100 yards as measured in a straight line from the front door of the premises from which on-site consumption of alcoholic beverages is furnished and consumed to the front door of the building of a church, school or college.
- (h) Any location not suitable therefor, in the opinion of the city council, because of either traffic congestion or the general character of the neighborhood or by reason of the effect which the utilization of such license at such location would have upon adjacent and surrounding properties or upon adjacent neighborhoods;
  - (i) Any location for which there is an unpaid or unsatisfied tax or other financial obligation due to the city which is not then the subject of appeal or litigation;
  - (j) An alcoholic beverage license may be denied to any location at which the utilization of the licensee would cause or create any violation of the zoning ordinance of the city or of the building code or fire code of the city.
  - (k) An alcoholic beverage license may be denied to any location at which an alcoholic beverage license has previously been suspended or revoked by either the city or the state department of revenue and where, in the opinion of the city council, there exists the likelihood that the utilization of such license at such location would cause or necessitate greater than normal police activity, observation or inspection in order to either prevent violation of laws and regulations relating to such location or to maintain public order, due to the history of either (i) violations of the provisions of this chapter or of the laws, rules and regulations of the state relative to alcoholic beverages by the holder of the previous license at such location or agents, servants or employees thereof or (ii) activities or conduct of patrons of the business in which such previous license was utilized at such location, all as compared to the locations of other licenses, or would cause or tend to cause, in the opinion of the city, council, greater than normal community problems or conflict as compared to

the locations of other licenses.

- (l) An alcoholic beverage license may be denied to any location at which an alcoholic beverage license has previously been suspended or revoked by either the city or the state department of revenue and where, in the opinion of the city council, problems associated with the utilization of a prior alcoholic beverage license at such location were such that it would not be in the best interest of the public health, safety or welfare to grant any other alcoholic beverage license for such location.
- (m) An alcoholic beverage license may be denied to any location with respect to which the granting or utilization of a license would constitute a violation of laws, rules or regulations of the state or the City of Tifton.

***BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIFTON*** that Chapter 6 Article III of the Code of Ordinances shall be amended by deleting subparagraphs (g), (h), (k), (l), (m), (n) and (o) of Section 6-64 which Section 6-64 shall read as follows:

**Sec. 6-64. - Qualifications for license.**

No alcoholic beverage license required by the provisions of this chapter shall be issued to any person or for any location unless and until it has been successfully demonstrated to the satisfaction of the city council that:

- (1) Such person, or the person who shall actually and actively be in charge and management of the day to day operation of the business in which such license shall be utilized is a citizen of the United States of America;
- (2) Such person by reason of such person's business experience, financial standing, moral character, mental capacity, physical capacity, trade associations, record of arrest, and reputation in communities in which he has lived is, in the opinion of the city council, likely to operate the business in which the license will be utilized in conformity with federal, state and local laws, ordinances, rules, regulations, and requirements, including particularly the provisions of this chapter and the laws, rules and regulations of the state and the United States relative to the manufacture, sale, and distribution of alcoholic beverages, and, in making such determination, the city council shall, in addition to the other and further provisions of this section, consider all information that would be considered by the city council if this person was being denied a renewal license pursuant to the requirements of section 6-82 or, if this person was having his license suspended or revoked pursuant to the requirements of section 6-86; provided further that no license shall be issued to or for:

- a. Any person whose business in which the license will be utilized is conducted by a manager or agent unless such manager or agent possessed and meets all of the qualifications required hereunder for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
- b. A partnership unless all partners, members and managers of such partnership, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
- c. A corporation unless all officers thereof, all directors thereof and all shareholders thereof who shall either directly or beneficially as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto own more than 20 percent of the outstanding shares of stock thereof, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
- d. Any person who has been convicted, has entered a plea of nolo contendere or has forfeited a bond with respect to any felony within ten years prior to the filing of any such application or with respect to any misdemeanor within five years prior to the filing of any such application including particularly but not being limited to those offenses involving force or violence, prostitution, gambling, or tax law violations in the event that such conviction, plea or bond forfeiture tends to indicate, in the opinion of the city council, that the applicant may not maintain or operate the business in which the alcoholic beverage license sought by the applicant would be utilized in conformity with federal, state or local laws, rules and regulations. The terms "felony" and "misdemeanor" as used in this subsection shall include the violation of any criminal law of the United States of America, the state, or any other state of the United States of America; provided that the term "misdemeanor" shall not include those violations which are commonly referred to as "traffic violations." The term "conviction" as used in this subsection shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the city council, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere to, or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of

the applicant, it has determined, in the sole discretion of the city council, that such action is in keeping with the ends of justice and the public interest and welfare;

- e. Any person who has been convicted of, has entered a plea of nolo contendere to, or forfeited a bond to any charge of violation of any state, federal, or local law involving the manufacture, sale, distribution, or possession of alcoholic beverages, contraband, or any "controlled substances" as such term is utilized under laws of the state, or any other substance, the control or possession of which is controlled or prohibited under laws of the state or the United States of America, or any other state of the United States. The term "conviction" shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the city council, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the city council, that such action is in keeping with the ends of justice and the public interest and welfare;
- f. Any person who as either the previous holder of any alcoholic beverage license issued by any authority, or as a party interested in any business in which any alcoholic beverage license issued by any authority was utilized, either conducted, or allowed the conduct of, the business with respect to which such license was issued in such a manner as to cause, in the opinion of the city council, greater than normal police activity, observation or inspection in order to prevent the violation of any law or regulation either relating to such license or the business associated therewith or in order to maintain public order;
- g. Any person who has not attained the age of 21 years;
- h. Any person who either held any alcoholic beverage license issued by any authority which was revoked by such authority within a one-year period immediately prior to the date of the filing of an application or was a party interested in any business in which any alcoholic beverage license issued by any authority was revoked by such authority within the one-year period prior to the date of the filing of an application;
- i. Any person with respect to whom information is required under subsection 6-66(2), (3) or (4) who has not paid or satisfied any tax or other financial obligation due to the city which is not then the subject of appeal or litigation.

**AT A MEETING OF THE  
CITY COUNCIL OF THE CITY OF TIFTON  
HELD ON \_\_\_\_\_, 2015  
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.

\_\_\_\_\_

\_\_\_\_\_

Wes Ehlers

\_\_\_\_\_

\_\_\_\_\_

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 \_\_\_\_\_, 2015.

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 \_\_\_\_\_, 2015, which was closed for the purpose(s) of :

**EXECUTIVE SESSION RESOLUTION  
OF THE CITY COUNCIL OF THE CITY OF TIFTON  
2015-\_\_**

**BE IT RESOLVED** by the Tifton City Council as follows: at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 \_\_\_\_\_, 2015.

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

ATTEST:

\_\_\_\_\_  
Rona Martin  
City Clerk