

**CITY OF TIFTON**  
**Regular City Council Workshop/Called Meeting Minutes**  
**March 21, 2013**  
**5:00 pm**  
**Municipal Courtroom**

**ATTENDEES**

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

Julie Smith, Council Member  
Larry Riner, City Manager  
Rob Wilmot, City Attorney  
Rona Martin, City Clerk

Mayor Jamie Cater called the meeting to order.

**TIFTON HERITAGE FOUNDATION REPRESENTATIVE – SIGNAGE IN THE HISTORIC DISTRICT – MARXANN MYDDELTON**

MarxAnn Myddleton, 502 West Eighth Street, stated she was a resident of the historic district and a member of the Tifton Heritage Foundation. She also stated she is a member of the Historic Preservation Commission. She stated the foundation has some concerns and questions about the issues brought before the council regarding 612 North Tift Avenue. She stated, the owner would like a scrolling lighted sign placed in front of his business, Endless Summer Day Spa. She stated this has been denied by the HPC based on their guidelines. She stated the foundation opposed to the request to have the matter overturned based on the land development code. She cited Chapter 7 of the Land Development Code regarding lighting that is allowed and signage that is appropriate in Tifton. She quoted section 7 – 20 of the land development code which states all signs located in the historic district designated by the City of Tifton shall comply with the requirements of the City of Tifton Historic District Manual, which are based on the Secretary of the Interior's Standards of the treatment of historic properties especially those that are listed on the national register of historic places. She stated Tifton's commercial and residential properties in the historic district are listed on the national register. She stated they oppose any change to the land development code which was adopted in July 2012 that would allow internally lit signs in either district. She stated they are opposed to any zoning change. She stated Tift Avenue is zoned RP and should remain such and to change the zoning to commercial would adversely affect the historic significance of Tift Avenue. She stated Tift Avenue is the oldest street in Tifton and the historic foundation asks that you support the HPC's decision and respect the guidelines as stated in the Historic District Manual.

**CONTINUED-APPEAL OF HPC CASE #H13-000-005, 612 TIFT AVENUE, ENDLESS SUMMER DAY SPA, OWNED BY HAL & THEA BAXLEY**

Mr. Baxley requested the opportunity for rebuttal of Ms. Myddleton's comments. City Attorney Rob Wilmot explained the requirements of the city's ordinance related to this matter. He stated Ms. Myddleton's remarks were accurate as the land development code was adopted in July of 2012 and indirect illumination is all that is allowed according to our ordinance. He stated from a legal perspective, we cannot vote against our own ordinance. He stated we can hear from Mr. Baxley but from any legal standpoint, you are advised that this is our ordinance and we have to abide by it. He stated the council and any citizen has the authority to request a text amendment but the ordinance that is in place says only indirect lighting is allowed in the historic district. He stated Mr. Baxley can make his comments.

Mr. Baxley stated their sign would in no way impede the sovereignty of the park or harm or cause problems with anyone living in the historic district. He stated the sign would be used in the daytime during the business hours. He stated by having a 42 by 16 inch sign would not harm anything the

commission has tried to do in that area, and in fact they have complied in every way with the requirements. He stated they have improved their property, increasing values around the area. Atty. Wilmot stated any citizen or member of council can request an amendment to the sign ordinance. He stated there are competing views on the issues and considered that staff review the ordinance with citizens input and determine what type of signs should be permitted in the historic district and make appropriate recommendations. Mr. Wilmot stated action will have to be taken this evening on this matter. He reminded council that as the ordinance currently stands, we will have to abide by it.

Councilmember Keesee confirmed that we had no option but to deny the request based on our current ordinance. Atty. Wilmot confirmed by answering yes, and to vote otherwise would be directly contrary to our ordinance. He stated it is appropriate for council or a citizen to request a text amendment through the environmental management department. He stated there is a process by which this can be changed. He used the requirements of the billboards as an example. He stated there will be other matters of this type occurring due to the changes of the land development code. Mr. Wilmot stated there could be several types of requirements for signage in the historic district depending on a particular area. Councilmember Smith suggested to Mr. Baxley that other types of media such as Facebook and Twitter to assist in advertising their business as other businesses in the district do. She complimented him for the work they have been doing on their property she commented they are an asset to the area. Mrs. Baxley stated they use these avenues but also want to be able to advertise monthly specials. Councilmember Smith stated other area businesses have been successful using these alternatives and was just making a suggestion. Mrs. Baxley stated that using banners would be tacky and they may need to look elsewhere. Discussion was held regarding the use of banners. Councilmember Parrott stated that sometimes rules are painful but necessary and these laws are to protect the historic district and it is important to maintain the level of historic atmosphere that is there. Councilmember Keesee asked if others could speak to this matter. Atty. Wilmot explained the process. Atty. Wilmot stated we would hear the formal appeal during the called meeting hearing from staff, Mr. Baxley, and hear other additional comments at that time that may be relevant to the appeal. Councilmember Keesee stated six people wanted to speak to this matter. Mayor Cater explained the rules regarding speaking before Council.

City Manager Larry Riner asked that this item be moved to the called meeting and that the workshop be recessed in order to consider those items on the called meeting agenda.

Mayor Cater recessed the workshop and called the meeting to order.

### **CALLED MEETING**

#### **APPEAL OF HPC CASE #H13-000-005, 612 TIFT AVENUE, ENDLESS SUMMER DAY SPA, OWNED BY HAL & THEA BAXLEY**

Hayward Fowler stated he is a resident of the historic district and owns three commercial properties in the area as well. He stated he works very well in the community with very little signage as does his neighboring business, Activear. He stated this is a quality of life issue. He stated this is not about one who has a business but about where one lives. He stated this is a quality of life issue in the community. He stated he knew what the laws and rules when he purchased his property. He stated this neighborhood needs to be protected.

Bert Crowe explained the proceedings of the historic preservation commission and the outcome with a vote of four to two. He stated he did not know why they voted as they did.

Herb Pilcher, Chairman of the Historic Preservation Commission, 805 N. Ridge Avenue discussed the historic preservation guidelines. He stated the guidelines make it quite clear that internally lighted signs are not appropriate. He discussed the certificates of appropriateness. He discussed the process of findings of fact. He stated in this instance, the findings of fact indicated it did not conform and was a unanimous vote. He stated the other question was whether the COA would be issued based on those findings of fact. He stated it says “based on the findings of fact, will this application not have an adverse affect on the historic nature or the architectural significance or aesthetic value of the property or district at large”. He stated this is the gray area that allows some to vote differently than the guidelines call for.

Darlene Pilcher stated the Historic District has continued to stand firm in wanting to protect what was created, this is our history. She stated it is the feeling that has to be protected including streetscapes, signs, etc. She used Highway 82 as an example and stated we must not allow that to happen in the historic district. She stated we will continue to fight for the neighborhood as long as we are here. She stated many people have put time, energy and effort. She asked that Council stand firm on guidelines and leave them as they are. She stated it is difficult to say no, but it is sometimes necessary. She asked that the text not be reviewed. She asked that the votes be considered legally.

Bonnie Sayles, 615 Tift Avenue North, stated this is the atmosphere and aesthetic value we are concerned about. She stated it needs to be protected. She stated rules are here for a reason. She thanked Mr. Baxley for the work they have done to their property, that it is beautiful; however, Mr. Baxley knew the zoning when he purchased the property.

Christine Tibbetts, county resident, and historic district property owner, stated that she has observed viable economic development tools in places where there are charming distinctive neighborhoods. She stated where there are successful economic tools, and tourism venues, the answer has been because of the hard work and maintenance of regulations.

Charles Styer, 410 N. Park Avenue, stated he chaired the HPC for 18 years. He stated he supports the decision making of the commission, and the less the Council over turns decisions, the better for everyone. He stated they are familiar with the guidelines and are best to make determinations. He stated the historic district is a very strong economic tool, with higher property values ensuring a strong healthy City. He stated he supports the guidelines.

Eloise Styer, 410 N. Park Avenue, stated that the laws and regulations should be supported by the officials. She stated the guidelines need to be read before one buys property there.

Hal Baxley, 612 N. Tift Avenue, asked for the same opportunity as others using signs in the Historic District. He stated the rules are one cannot have an internally lit sign in the historic district period. He stated there are internally lit signs that have not been grandfathered. He stated CVS was not grandfathered, and the law should be the law, no matter who you are. He stated he is not asking for anything special, but to be treated fairly. He stated to deny them putting up the sign, is to arbitrarily stated, that CVS, Walgreens, Wishbones, Dominoes, Progress Insurance and others, all had to have permits issued and were allowed to have them. They asked for the same opportunity. He stated the HPC approved those permits. He asked for the same opportunity.

MarxAnn Myddelton stated the internally lit sign at Progressive Insurance, was not approved by the HPC. She stated they were told they could have the Progressive sign, but only externally lit signs. She stated there are not many internally lit signs downtown, as when those businesses come before the HPC, they notify them that signs have to be externally lit.

Mayor Cater called for a motion on the request. Councilperson Julie Smith moved, seconded by Councilmember Parrott and unanimously carried that the HPC decision be upheld and the signage be denied.

**RESOLUTION PROVIDING FOR APPROVAL OF FY2013 CDBG APPLICATION PROFESSIONAL SERVICES PROPOSAL RECOMMENDATIONS AND AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS FOR THOSE SERVICES**

Councilmember Keesee moved, seconded by Councilmember Parrott and unanimously carried to approve a resolution for the FY 2013 CDBG Application for Professional Services Proposal Recommendations and authorizing the Mayor to enter into contracts for those services.

An announcement was made about the upcoming meeting on Tift West, this coming Monday at 6:00 p.m., in the Municipal Courtroom.

Mayor Cater closed the called meeting.

**PRESENTATION BY THE TIFTON POLICE DEPARTMENT - POSTPONED**

**DISCUSSION ITEMS**

**RESOLUTION PROVIDING FOR ALCOHOLIC BEVERAGE LICENSE FOR ONE-DAY CHARITABLE EVENT SPONSORED BY THE ALZHEIMER'S ASSOCIATION, GEORGIA CHAPTER**

Rona Martin, City Clerk, stated there is an application for the Alzheimer's Association for a grand event on May 4<sup>th</sup> as a fundraiser. She stated this is a one day alcohol event permit. She stated this will be on the agenda for April 1<sup>st</sup>.

**DISCUSSION OF ORDINANCE PROVIDING FOR PLANNED DEVELOPMENT OVERLAY FOR PROPERTY LOCATED ON WHIDDON MILL ROAD AND OWNED BY INDEPENDENT INVESTORS, INC. (ZA13-000-001)**

Attorney Wilmot stated this is just for Council's information and a reminder that action will be taken on this matter at the April 1<sup>st</sup> meeting and also that a community meeting will be held this coming Monday.

**DISCUSSION OF ORDINANCE PROVIDING FOR ANNEXATION OF 6.17 ACRES LOCATED ON WESTOVER ROAD AND OWNED BY INDEPENDENT INVESTORS, INC.**

Councilmember Smith recused herself due to possible future conflict of interest. Attorney Wilmot asked that items four and five be discussed together. He stated Councilmember Smith may be dealing with Triple III on the property. Bert Crowe received an application for annexation and rezoning of the listed property, from Independent Investors. He stated this property was left out of the original annexation and

thus the reason for the request. He stated this is also a part in, part out, parcel. He stated the classification will be City of Tifton R-14, making it continual R-14 across the entire track. He stated this was approved by the Planning and Zoning Commission and is the recommendation of staff as well.

**DISCUSSION OF ORDINANCE PROVIDING FOR ZONING OF 6.17 ACRES LOCATED ON WESTOVER ROAD AND OWNED BY INDEPENDENT INVESTORS, INC.**

See above text.

**ESTABLISHMENT OF PROSECUTING ATTORNEY FOR MUNICIPAL COURT**

Attorney Rob Wilmot stated this resolution provides for the designation and appointment of the City Attorney as the prosecuting attorney of the Municipal Court. He stated this is being done to authorize the City to participate in municipal court matters. He stated whether there is ever a need for him to participate will be left up to the City Manager or Environmental Management Director. He stated code enforcement matters have been continued and there might be a need for representation by the City's attorney to help facilitate the case moving forward. He recommended establishing the position and stated he would be the attorney for the Municipal Court with Attorney Emily Vowell of his office assisting. He stated as we look closer at Municipal Court and determine whether it is necessary for us to become more involved in municipal court rather than turn over to state court, we will have this in place. Councilmember Keesee asked if staff could do this and who would decide when the attorney becomes involved. Attorney Wilmot stated at times there is an attorney representing the other party, the judge is an attorney, and it will serve the City better to have an attorney as well. He discussed some of their previous cases. He this should be in place, only if an attorney needs to be in attendance. He stated this resolution will be considered on April 1<sup>st</sup>. Attorney Wilmot discussed the new state law providing for a prosecuting attorney and this establishes that office based on those statutes. He stated the Charter also provides for a prosecuting attorney. Mr. Riner stated the docket will be looked at and he will determine if an attorney needs to be in attendance. Chief Dowdy stated Mark Sandifer has represented them in the past.

**DISCUSSION OF REVISIONS TO CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES**

Attorney Wilmot stated these are proposed revisions to Chapter 2 of the Code of Ordinances. He discussed the oath of office as required by state law. He discussed ordinance passage procedures, duties of the City Clerk, duties of the Finance Director, and Board of Ethics. He stated the current code provides for the municipal court judge to investigate and hear complaints on violation of ethics. He stated the model ordinance developed by GMA gave you two options; a board of ethics or municipal court. He stated it appeared to be more appropriate to have a board of ethics. He stated it was confusing under the current methods. He stated this creates a board of ethics and who appoints those members. He discussed the duties of the board. He stated the board would determine if there is a violation. If there is a violation, the City Council will determine the penalty. He discussed the compilation of the board which includes people from the legal profession. He discussed the previous ethics resolution adopted in 2010. He stated there is an appeal process available. He stated the only change is the process by which an ethical violation is decided. He asked for their review for consideration on April 1<sup>st</sup>.

## **BOARD REPORT**

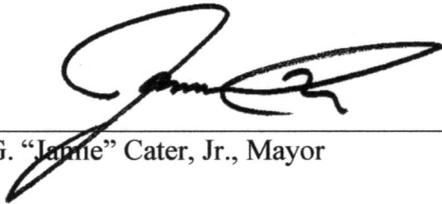
Rona Martin gave the board report stating there are vacancies on the Tree Board, Keep Tift Beautiful and the Historic Preservation Commission. She stated Carter Choate, Sr.'s application is included in the packets. Councilmember Keesee stated Mr. Choate had an issue with the HPC about the time of his application wherein he put up a storage building and had to take it down. Ms. Martin stated an ad ran in the Gazette on March 12<sup>th</sup> regarding the need for board members.

Councilmember Keesee made a public request for folks to consider serving on one of our City boards.

Hayward Fowler offered to run information on his channel.

Councilmember Smith reminded everyone that Valerie Touchstone has offered to assist in providing media services to the City.

There being no further business to discuss, meeting adjourned.



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



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Rona Martin, City Clerk