City of Tifton
Regular Council Workshop/Called Meeting
May 21, 2015
5:09 p.m.
City Hall Council Chambers
130 E. 1st Street

**ATTENDEES:**

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

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

Mayor Cater called the meeting to order at approximately 5:09 p.m.

**PRESENTATION OF PROCLAMATION FOR LUPUS AWARENESS MONTH**

No one showed for this presentation.

**CITIZENS REQUEST TO SPEAK**

John Lindsey, Tiftarea Driver Improvement Clinic, Inc. – Mr. Lindsey discussed a parking issue in the 200 block of East Third Street. He provided a handout listing the issues and possible solutions. He discussed several of the issues such as glass and debris in the parking area, female employees being fearful of walking to the parking area after dark due to derelicts; there are no rear entrances to businesses, no actual parking issue on E. 3rd Street, etc. He stated they are destination businesses, no one actually shops, and they come directly to our places of business. He suggested that East Third Street be excluded from the parking policy as there is no parking problem there. He asked that each business be allowed one parking pass. After general discussion Mayor Cater appointed Council Members Smith and Parrott as well as the Police Chief and City Manager to work with Mr. Lindsey on a resolution and bring back to Council.

Mitch and Lance Williams, Locker Room Sports Bar, 1401 Tift Avenue - Mr. Williams stated he is moving to 1401 Tift Avenue and has signed a lease and has been informed by Mr. Riner that there may be a parking issue. He discussed the issues regarding parking that were presented to him. He stated all of the parking spaces are available to him as the other businesses are closed when his is open. He stated the owner also offered to grant him side parking. He stated that was still not enough. Discussion was held regarding the type of parking surface needed. Council Member Smith stated there is also some possible angle parking space available on 14th Street. Discussion was held regarding parking at other businesses. Mr. Riner stated the architect determined the occupancy load. He stated a parking study will be done in the next few days to help resolve this. He explained what the study involves. He stated he did not know how it cannot be approved. Mr. Williams stated his lease is up June 30th. After further discussion Mr. Riner stated this will be accomplished as soon as possible.

**PRESENTATION BY RICHARD MOONEY**

Richard Mooney of Allen, Mooney and Barnes, discussed in general the retirement account, the overall market conditions and the economy that they are dealing with as they manage the funds in the retirement account currently at $20,650,000. He stated the economy is getting better and the markets have done fairly well over the last couple of years. He stated the returns are fine and the account is in good shape. He stated interest rates will probably not be raised before 2016. He stated we are focused on generating a safe return and minimize the market risk. He stated the economy is coming back; businesses are beginning to spend money and are comfortable that the overall markets are ok. He stated, however, we

are prepared if the market starts backing up. He stated we are trying not to get drawn into all of the volatility of the market right now. He stated we are up about 2% on a calendar basis. Mr. Mooney stated the solid waste fund thru April 30th is valued at $7,639,000 or a 2% net return. Council Member Ehlers asked for an executive summary of the retirement account for the county. Mr. Mooney stated he would provide it thru the end of May.

## PRESENTATION BY SCOTT MURPHY – WATER/WASTEWATER

Scott Murphy, ESG Operations, Inc. gave an overview of a planned rate study for the water & wastewater utility. He discussed the map of lift stations and how they operate. He discussed the difference in cost of pumping inner areas vs. peripheral areas to the treatment plant. He stated there are many factors that go into figuring cost. He stated we have the best water source in the world in the Floridian aquifer. He discussed the map of water wells. He stated the service density works in conjunction with fire flow and the ability to deliver water to suppress fires. He discussed the cost factors that go into compiling a rate study such as number of customers on a line, costs, distances for source wells, rate flow, etc. He discussed homeowner vs. business cost factors. He discussed conveyance of getting water to the plant in that there are massive cost differences depending on where you are. He discussed water costs. He stated distribution is a major issue and one of the largest assets. He discussed expansion of the utility. He stated all of these things will be addressed in the rate study. He stated the study will begin in a very short time. He reviewed the timeline stating individuals from the city and county were previously met with. He stated the plan was deferred from last year to this year. He stated these utilities are complex operations and recommends a third party to come in and do a rate study. Mr. Wilmot asked about rate equalization time. Mr. Murphy stated the timeline given to them would be four to six months to gather information followed by a decision making process.

## DISCUSSION OF VAGRANTS, PANHANDLING, AND BEGGARS

Council Member Parrott stated citizens have approached him, as well as first hand accounts regarding folks especially in the 3rd Street area asking for money, food, etc. He asked Chief Dowdy to review with Council any policy in place. He expressed concern about people downtown feeling threatened. Chief Dowdy stated we have an aggressive begging ordinance; however they have to show some type of fear. He stated his research showed that a lot of begging ordinances were actually struck down and a violation of the 1st Amendment. He stated he saw a couple of ordinances that limit the time for begging, etc., and would take a lot of research to find something to pass muster. He stated if they are on private property, they can be escorted off the property. Mr. Wilmot stated unless there is some threat or intimidation, it is not against the ordinance. Mr. Wilmot stated he would try to develop something to make available more options. He discussed the loitering and prowling ordinance which requires fear or endangerment.

## DISCUSSION OF OFFICIAL BALLOT FOR GMA DISTRICT 11 ELECTION OF OFFICERS

Rona Martin reviewed the official ballot for the GMA District 11 Election of Officers. This item was placed on the called meeting agenda for action.

## REQUEST FOR APPEAL OF HPC CASE #H15-000-009 FROM WILMOT & POWELL, LLC – REMOVAL OF DAMAGED CHIMNEYS ON THE HOUSE LOCATED AT 614 N. TIFT AVENUE

Bert Crowe reviewed the request from Wilmot & Powell to the HPC. He stated the primary request was approved and the secondary request was denied. He stated they have a right to appeal to Council. He stated as a result of Mr. Ehlers request, he found one case which included two properties where the chimneys were allowed to be removed for the purpose of reroofing, 605 and 607 College Avenue, and they were allowed to remove those chimneys and was voted on unanimously by the commission. Mr. Ehlers stated this request because it is too costly to repair and asked about the previous case was as well. Mr. Crowe stated yes and explained the deterioration. He stated these requests are almost identical. Ralph Powell stated this is a request to grant the appeal to remove the chimneys, wherein this is almost

the same situation where the commission did agree to allow that, these are non-functioning, and a major safety issue with the cracks going below the roofline. He stated Rick Hawkins of H&H Contractors is available for questions. He stated one of the commission members got on the roof and looked at the outside of the chimney. He stated Mr. Hawkins went to the attic where mortar turning to dust can be seen. He stated it will cost about $15,000 per chimney to repair. He stated this is a serious financial implication. Mr. Hawkins stated they are deteriorating down to the ground.

**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**

Mr. Crowe reviewed the previous discussion in order to comply with federal regulations regarding religious facilities. He stated this provides for the definition of a club, or lodge, private and also removes clubs and lodges, private as a permissible use in the commercial downtown zoning district. It does provide for clubs and lodges, private to gather randomly from time to time in the downtown zoning district, but not on a regular basis. He stated this was approved unanimously by the planning and zoning commission.

**DISCUSSION OF ORDINANCE AMENDING CHARTER BY HOME RULE PROVIDING FOR A CHANGE IN THE FISCAL YEAR**

Mr. Wilmot stated this was previously discussed, creating our fiscal year beginning July 1st, as it was done back in 2002. He stated this ordinance was never actually signed.

**RESOLUTION PROVIDING FOR NEW ALCOHOLIC BEVERAGE LICENSE FOR SHELL FOOD MART, ML DIXON INVESTMENTS, INC. LOCATED AT 2302 US HWY. 41 N.**

Rona Martin stated Shell Food Mart is under new ownership, with the background check on the new owner revealing no issues, staff recommends approval.

**RESOLUTION PROVIDNG FOR AMENDED ALCOHOLIC BEVERAGE LICENSE FOR THE OLIVE GARDEN LOCATED AT 1208 HWY 82 W.**

Ms. Martin stated the Olive Garden is under new management, with the background check on the new manager revealing no issues, staff recommends approval.

**RESOLUTION DECLARING CERTAIN REAL PROPERTY SURPLUS, 816 LOVE AVENUE**

Mr. Riner stated items 8 & 9 are a result of a settlement, with the City now owning the properties. He stated we are requesting they be surplused and put back on the tax rolls. Mr. Riner stated it was the consensus of Council that they both be sold. A general discussion was held regarding the properties. Mr. Wilmot stated all disclosures will be made in the conveyance.

**RESOLUTION DECLARING CERTAIN REAL PROPERTY SURPLUS, 811 N. CENTRAL AVENUE**

See above resolution.

**RESOLUTION PROVIDING FOR RENEWAL OF CONTRACT WITH PROFESSIONAL COURT SERVICES**

Mr. Riner stated we've been doing business with Professional Court Services for a number of years with the contract rolling over every year. Mr. Wilmot stated the law has changed and discussed those changes

which were incorporated into the contract. He stated this will renew every year with a tickler to remind Council of the needed renewal.

## BOARD REPORT

Ms. Martin reviewed the board report. Mr. Crowe stated Bobbie Robinson was not sure of reappointment at this time.

## 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

Mr. Wilmot discussed the revisions to Sections 6.64 and 6.65. He the proposal on distances and locations is really fashioned after state law, with the only difference is where one can sell alcohol on premises. He discussed the distance requirements as they relate to churches, schools, school campuses, etc. He stated right now there is nothing in the ordinance that prohibits the retail sale of wine or malt beverages in relation to the distance from a church. He asked if Council wants a distance requirement for the retail sale of wine or malt beverages to a church. Mayor Cater asked about a church. Mr. Wilmot stated we are free to define what a church building is for the purposes of the ordinance. Mr. Wilmot stated a church has been defined as being "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." He stated the intent of this definition is to make this building where people go to worship on Sundays. He asked if they were satisfied with the definition of a church building, and if Council wants to restrict retail sale of beer and wine as to its proximity to a church. He stated right now this ordinance does not prohibit any distance between retail sale and the church. Mr. Riner recommended that the same standard be used for the sale of alcohol, from front door to front door at 300 feet, with measurements by state standards. Mayor Cater asked about the housing authority. Discussion was held regarding distances to housing authority properties. Mr. Wilmot discussed the new exception for grocery stores. He suggested this exception be included in the ordinance. Mr. Wilmot asked about the distance restriction from retail sales to a church and if Council has a problem with it. It was the consensus of council that we move forward with the changes.

# CALLED MEETING

## ACTION ON OFFICIAL BALLOT FOR GMA DISTRICT 11 ELECTION OF OFFICERS

Council Member Smith moved, seconded by Council Member Parrott and unanimously carried to approve the ballot as presented and submit to the Georgia Municipal Association.

## EXECUTIVE SESSION TO DISCUSS PERSONNEL, REAL ESTATE AND/OR LEGAL MATTERS

Council Member Smith moved, seconded by Council Member Parrott and unanimously carried to enter into Executive Session to discuss Legal Matters.

Council Member Smith moved, seconded by Council Member Terrell and unanimously carried to come out of Executive Session.

## RESOLUTION PROVIDING FOR EXECUTIVE SESSION

Council Member Smith moved, seconded by Council Member Ehlers and unanimously carried to adopt a Resolution providing for Executive Session.

There being to further business, the meeting was adjourned.

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

Rona Martin, City Clerk

**AT A MEETING OF THE**
**CITY COUNCIL OF THE CITY OF TIFTON**
**HELD ON 5/21, 2015**
**A MOTION TO ENTER INTO EXECUTIVE SESSION**

Council member Smith 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** Parrott seconds the motion.

**Motion Approved**

Those voting in favor of the motion for closure:

**Council Members:**
Mayor Cotter
Vice Mayor Terrell
Council Members
Wes Eckles
Chris Parrott
Julie Smith

Those voting against the motion for closure:

**Council Members:**

**AFFIDAVIT**

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

| 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 21st day of May, 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 21st day of May, 2015, which was closed for the purpose(s) of :

✓ Legal Matters

✓ Personnel Matters

✓ Real Estate Matters

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

4. This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. Section 50-14-4(b) that such an affidavit be executed.

5. This affidavit is likewise executed by the following members of the City Council present at such executive session in support of open and honest government and in compliance with City of Tifton Resolution 99-66.

This 21st day of May, 2015.

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

Wes Ehlers
Councilman, District 1

Christopher Parrott
Councilman, District 2

Johnny Terrell
Councilman, District 3

Julie Smith
Councilwoman, District 4

Sworn to and subscribed before me
By all City Council members
on this 21st day of
May, 2015.

Rona Martin
Notary Public

RONA MARTIN
NOTARY PUBLIC
GEORGIA
EXPIRES
JAN. 28, 2017
TIFT COUNTY

TIFTAREA
DRIVER IMPROVEMENT
CLINIC, INC.

217 E. 3rd St. • P.O. Box 1673 • Tifton, GA 31793
Phone 229-386-4955 • Fax 229-386-4994

PARKING ISSUE IN 200 BLOCK OF EAST THIRD STREET, TIFTON GEORGIA

BUSINESSES REPRESENTED:

In A Tangle, Action Pawn, Tiftarea Driver Improvement Clinic, Phlawless Barber Shop, Auto partners. Southern Bodies.....Not contacted: Strut Studios, J and J Gym, B P I Photography.

AT ISSUE:

1. No rear entrance to business as on Main Street.
2. Do not have a parking issue.
3. Eventual move to Cato Knight Parking Lot.
4. I and others come and go a number of times during the day.
5. Glass and debris in current parking area has caused three known flat tires.
6. Female employees are fearful to walk to parking area after night, because of derelicts.
7. All businesses on East Third Street are Destination Businesses.

EXAMPLE OF MY PARKING TICKET:

Porter Jackson does an excellent job, he allows us 30 minutes grace for unloading. I, John Lindsey, teach Mon/Wed. mornings in Fitzgerald High School for ABAC and arrive at my business, Tiftarea Driver Improvement Clinic around 10:45am. A few Weeks ago, I arrived at 10:45am and parked across from my school to give one of my employees the keys to take my vehicle to Post Office and pick up mail and upon return park in the rear parking lot. Upon entering my office, I observed my part- time employee processing a DUI student and the employee whom I was going to give the keys too, was out of the office. I turned to go to post office myself, when a second customer entered the office. I greeted the second customer and began processing him for DUI class, which takes about 30-40 minutes. Upon completing the processing of the second customer, I went to move my car and found that I had received a parking ticket, justified by rules, eight minutes prior. THIS NOT THE INTENT OF THE POLICY.

POSSIBLE SOLUTION(S):

1. Exclude East Third Street from Parking Policy as originally created. We do NOT have a parking problem.
2. Allow one Parking Pass to each business on 200 block of East Third Street, to be used at owner's/manager's discretion. There are 47 parking spaces, not including Handicapped, on 200 block of East Third Street, and nine parking passes would not harmfully diminish parking capacity. On several occasions in past few weeks I have taken pictures of NO cars parked on 200 Block of East third street. By allowing business owners/managers to park in front of their business, would give appearance of viable businesses and encourage future business. On several occasions, I have had people stop and ask if we were open.
3. OPEN TO ANY SUGGESTIONS.

Thanks for your consideration.

Respectfully;

John Lindsey

Letter of Recommendation for Parking Space

TO: Tifton Tift County City Council

FROM: Melissa Hobgood, Atto Partners

I would like to let the City Council know that I feel very strongly in all the downtown merchants having their own personal parking spot. Not all of the businesses downtown have back parking to their businesses. And I have two business locations downtown, and neither one of them have backside parking. I do a lot of coming and going throughout the day and this one parking space would make a world of difference for me. From where I park every day, this is quite a trek for me to do several times a day. This is very inconvenient and time consuming.

I feel that all the businesses downtown should be allowed to have at least one parking space for their use. Whether this spot be recognized with either a parking permit to put on their car, or have a sign placed to let customers know that the parking spot is reserved for the business owner.

I sincerely hope that the Council can approve this space and allow the downtown merchants to have this parking space. This parking space would make for happier merchants downtown.

Sincerely,

Melissa Hobgood

Melissa Hobgood

Notary Seal

Notary Signature: Wendy J. Barnes

Wendy J. Barnes
Notary Public, Tift County, Georgia
My Commission Expires Aug. 25, 2017

Expiration Date: _____