

**Minutes of Regular Meeting
Mayor and Council
City of Fitzgerald, Georgia
October 9, 2023
6:00 p.m.**

A Public Hearing was held to give consideration to application number 0154 by the City of Fitzgerald, for an amendment of the zoning ordinance for the city of Fitzgerald. This property is owned by the City and is located at 113 Jacksonville Hwy and to rezone 2 acres from WLI to MHP City. The Mayor asked if there was anyone here to speak to this matter. Mayor Holt called on Johnny Swain, of 118 Jacksonville Hwy, to come speak. Mr. Swain said there are 4 points regarding this property: history, zoning, comprehensive plan and mobile home parks. He spoke briefly on these four topics. Mayor Holt called on Christopher Durham, of 103 N Walden Ave. Mr. Durham mentioned this is the historic seaboard side and that there is enough blight in the neighborhood with the current mobile home park. Mayor Holt called on Oscar Neal of 101 S Walden. Mr. Neal stated he did not want to look at another trailer park or have the property value depreciate due to a mobile home park. Just don't want this to happen. Mayor Holt called on Pastor Bobby Boone of 107 N Walden Ave. Pastor Boone just opposed. The property value would diminish and the area has worked hard to build up not to be set back. This would not add to the quality of life. With there being no others to speak, the public hearing was closed.

A Public Hearing was held to give consideration to property located at 129 Ocilla Hwy to be annexed and rezoned from GB County to GB City. This is the property owned by Waffle House, LLC. With no one to speak, the public hearing was closed.

A Public Hearing was held to give consideration to application to close an alley to all traffic and the subsequent sale of the same to Derrick Melton. This alley is located between lot 9+ P1 in square 10 Block 12 in the 316 S Logan street and 614 E Jessamine street. With no one to speak, the public hearing was closed.

A Public hearing was held to give consideration to application 0155 by Cesar Andres Cruz. This property is to be rezoned as follows: 514 N Merrimac Drive to rezone from MR City to CC City. Mayor Holt stated that this application was not recommended by the planning and zoning committee. With no one to speak, the public hearing was closed.

A Public hearing was held to give consideration to the property located at Bowens Mill Hwy, legal description 5-9-96 to rezone 3.79 acres of said property from R-6-M city to G-B City. The Mayor asked if there was anyone here to speak to this matter. Mayor Holt called on Beth M. McIntyre. She asked if we would honor the zone changing to improve the corner to benefit those living in this area. With no one to speak, the public hearing was closed.

A Public hearing was held to give consideration to the application 0150 by GS McIntyre to rezone the 1.40 acres of property to G-B county to G-B city. The mayor asked if there was anyone to

Speak to this matter. Beth M. McIntyre spoke stating the Dr. McIntyre wants to bring good development to this part of the town. With there being no one else to speak, the public hearing was closed.

Mayor and Council met on Monday, October 9, 2023, at 6:00 p.m. at the City Hall Council Chamber, located at 302 East Central Avenue, with Mayor Jason L. Holt presiding and with Council members Brown, D. Jefferson, S. Jefferson, J. Johnson, K. Johnson, Peavey, Roberts and Webb being present.

Mayor Holt welcomed everyone to the meeting.

Minutes of previous meeting, September 11, 2023, Regular Council meeting were presented. Mayor Holt entertained a motion for approval. Council member Webb made a motion to approve minutes, seconded by Council member Roberts. With there being no additions or corrections, Mayor Holt called for a **Roll Call Vote: 8 Yes, 0 No. All in favor, motion approved.**

Under hearing from citizens or visitors, Mayor Holt called on Lesley Paulk with the Fitzgerald Ben Hill County Library. Ms. Paulk gave us the snapshot of the 2022-2023 library year regarding services provided. They are on an upward trend in services.

Mayor Holt called on Kathryn Hart, Municipal Court Clerk. Municipal Court received an award for the clearance rate excellence for the case counts in 2022. We were in the top 10% of the municipal courts.

Mayor Holt called on Chief Smallwood. Chief Smallwood presented Taylor Hauser with a promotion to investigator. Taylor has been with us 3 years now and has done a wonderful job.

Mayor Holt called on Wayne E Smith to come speak. Mr. Smith spoke about the 23 years he has been with the Colony City Opry. This is a place for everyone to go that is drug, alcohol and smoke free. Mr. Smith noted that they were told they had to be out by December 31, 2023. He feels like the DDA is just taking the building. They do have a petition that 400 people have signed. He came for understanding.

Mayor Holt called on Ray Monk. Mr. Monk is the president of the Colony City Opry. He noted that they have followed all the rules they were asked to do. The DDA has never stepped inside and like the last 2 buildings they have taken them away. This attraction draws people to Fitzgerald just like the chicken is being doing. He is asking to appeal the removal to Mayor and the City Council.

Mayor Holt called on Donivan Thompson. Mr. Thompson is a board member for the opry. He is also a citizen and plays at the opry. He noted he could play for money but chooses not to. This is about community, affordability and a place to have fun. He asked that we reconsider.

Mayor Holt noted that there is no action item for the Opry tonight on the agenda.

Under **reports of city officers**, Mayor Holt called attention to the Administrative Report, sharing some highlights from each department.

Reports of **standing committees** were given by their respective chairpersons.

City Attorney, Kyle Cook, presented **Ordinance # 23-1601**: An Ordinance to amend Article I "in General," Article II "Burial of Veterans," and Article III "Evergreen Cemetery" of Chapter 7, "cemeteries" of the Code of Ordinances of the City of Fitzgerald, Georgia.

Motion to dispense with full reading: Roberts, second Brown.

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

Mayor Holt asked for approval of the Ordinance. Mayor Holt did note that this is to clean up provisions in the ordinance.

Motion to approve: J. Johnson, Second Roberts.

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

City Attorney, Kyle Cook, presented **Ordinance #23-1602**: An Ordinance to amend the City of Fitzgerald zoning district map with respect to two acres (2.00), more or less, in five-acre tract 1083 in land lot number 301, in the fourth land district of Ben Hill County, Georgia, in the City of Fitzgerald, Ben Hill County, Georgia: to rezone said property from W-L-I (City) to MHP (City).

Motion to dispense with full reading: K. Johnson, second Brown.

Roll call vote: 7 Yes, 1 No. Motion approved. No vote by K. Johnson.

Mayor Holt called for approval. Discussion ensued. J. Johnson asked A. Webb was he ok with the change in zoning and Mr. Webb is not. Roberts noted that this is a sale to rezone for MHP. Planning and zoning approved. The City wants to sell to get out of the real estate business. There is someone interested in the property. S. Jefferson asked what all did MHP designated. This could be a mobile home park, group home or care home. As WLI it can only be industrial. Can we require similar covenants and stipulations can be put in at time of sale? Yes.

Motion to approve: Webb, second D. Jefferson

Roll call vote: 0 Yes, 8 No. All in favor, motion denied.

City Attorney, Kyle Cook, presented **Ordinance #23-1603**: An Ordinance to amend the City of Fitzgerald zoning district map with respect to 0.831 acre, more or less, in land lot number 91, in the third land district of Ben Hill County, Georgia, said property having a physical address of 129 Ocilla Highway, Fitzgerald, Georgia, and the public road right of way adjacent thereto; to annex said property to the existing corporate limits of the city of Fitzgerald, Georgia; to rezone said property from GB(County) to GB (City).

Motion to dispense with full reading: Roberts, second, J Johnson.

Roll call vote: 8 Yes, 0 No. All in favor, motion approved

Mayor Holt called for approval. Mr. Webb asked if this is the Waffle House and it is this property.

Motion to approve: Roberts, second J. Johnson.

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

City Attorney, Kyle Cook, presented **Ordinance #23-1604**: An Ordinance to close to vehicular traffic that portion of the public alley between city lots 12 and 13 in square 6, block 12, in the City of Fitzgerald, Georgia; to sell and convey the right of way of said alley to the adjoining landowner, subject to the reservation of an easement with respect to the maintenance, repair and replacement of all utilities located over, upon or under said portion of said alley.

Motion to dispense with full reading: K. Johnson, second, J. Johnson

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

Mayor Holt called for approval.

Motion to approve: J. Johnson, second, K. Johnson

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

City Attorney, Kyle Cook, presented **Ordinance #23-1605**: An Ordinance to amend the City of Fitzgerald zoning district map with respect to a tract containing 0.44 acre, more or less, being a portion of five acre tract number 908 as shown by the plat of the Colony Domain of The American Tribune Soldiers Colony Company of file in the office of the Clerk of The Superior Court of Irwin County, Georgia, located in land lot number 122, in the third land district of Ben Hill county, Georgia, in the city of Fitzgerald, Ben Hill County, Georgia, having a physical address of 514 N. Merrimac Drive, Fitzgerald, Georgia, 31750; to rezone said property from M-R (City) to C-C (City).

Motion to dispense with full reading: Roberts, second Webb.

Roll call vote: 8 Yes, 0 No. All in favor, motion approved

Mayor Holt called for approval. Discussion ensued regarding the location. The area is located on N. Merrimac near the feed company. The area would be used to store cargo trailers for pick up on the weekend or after hours as a 3rd party holding area. Kyle Cook mentioned that this was not recommended by the planning and zoning committee. S. Jefferson asked if it is close to residence and it is.

Motion to approve: D Jefferson, second J. Johnson

Roll call vote: 0 Yes, 8 No. All in favor, motion denied.

City Attorney, Kyle Cook, presented **Ordinance #23-1606**: An Ordinance to amend the City of Fitzgerald zoning district map with respect to a tract containing 1.40 acre, more or less, in land lot number 300, in the Third Land District of Ben Hill County, Georgia, in the City of Fitzgerald, Ben Hill County, Georgia, located on Bowens Mill Highway, Fitzgerald, Georgia 31750; to rezone said property from R-6-M (City) to G-B (City).

Motion to dispense with full reading: Roberts, second, Webb.

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

Mayor Holt called for approval. Discussion ensued. J. Johnson noted the owner is passionate about getting something north of town to improve it.

Motion to approve: J. Johnson, second, Peavey

Roll call vote: 8 Yes, 0 No. All in favor, motion approved

City Attorney, Kyle Cook, presented **Ordinance #23-1607**: An Ordinance to amend the City of Fitzgerald zoning district map with respect to 0.95 acre, more or less, in five acre tract number 964 as shown by the plat of the Colony Domain of the American Tribune Soldiers Colony Company of file in the office of the Clerk of the Superior Court of Irwin county, Georgia, in land lot number 300, in the fourth land district of Ben Hill County, Georgia, located on Bowen Mill Highway, Fitzgerald, GA, 31750, and the public road right of way adjacent thereto; to annex said property to the existing corporate limits of the City of Fitzgerald, Georgia; to rezone said property from GB (County) to G-B (City).

Motion to dispense full reading: K. Johnson, second J. Johnson

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

Mayor Holt called for approval.

Motion to approve: Roberts, second, K. Johnson

Roll call vote: 8 Yes, 0 No. All in favor, motion approved.

City Attorney, Kyle Cook presented **Ordinance # 23-1608**: An Ordinance to amend the zoning Ordinance of the City of Fitzgerald, Georgia, as adopted February 13, 1989 and readopted by Ordinance Number 1122 on April 10, 1989, specifically subsection 8-2 "nonconforming uses of land" and subsection 8-3 'nonconforming uses of Structures" of section 8 "nonconformances" thereof.

Motion to dispense with full reading: Peavey, second, Roberts.

Roll call vote: 8 Yes, 0 No. all in favor, motion approved.

Mayor Holt called for approval. Mayor Holt noted that this will bring in line with SB213 from legislation.

Motion to approve: D. Jefferson, second, Roberts.

Roll call vote: 8 Yes, 0 No. all in favor, motion approved

City Attorney, Kyle Cook, presented **Ordinance #23-1609**: An Ordinance to amend the zoning ordinance of the City of Fitzgerald, Georgia, as adopted February 13, 1989, and readopted by Ordinance number 1122 on April 10, 1989, specifically to provide for regulation of Tiny houses/tiny homes.

Motion to dispense with full reading: K Johnson, second by Brown.

Roll call vote: 8 Yes, 0 no. All in favor, motion approved.

Mayor Holt called for approval. Discussion ensued. S. Jefferson asked about the details. David Walker addressed her by stating this is on a case by case basis and the particular parcels would have to come before council to be voted upon.

Motion to approve: Roberts, second, Peavey.

Roll call vote: 8 Yes, 0 no. All in favor, motion approved

City Attorney, Kyle Cook, presented **Resolution R23-014**. A Resolution of the Mayor and council requesting sales tax information from the Georgia Department of Revenue pursuant to OCGA 48-2-15(d.1) and naming a designated officer for all related purposes.

Motion to dispense with full reading: Roberts, second, Webb.

Roll call vote: 8 Yes, 0 no. All in favor, motion approved.

Mayor Holt mentioned that the resolution must say Ben Hill County according to State guidelines.

Motion to approve: Peavey, second, Roberts.

Roll call vote: 8 Yes, 0 no. All in favor, motion approved.

City Attorney, Kyle Cook, presented **Resolution R23-015**. A resolution of the Mayor and council of the City of Fitzgerald, Georgia, pledging to practice and promote civility in the City of Fitzgerald, Georgia.

Mayor Holt called for approval.

Motion to approve: Roberts, second, Brown.

Roll call vote: 8 Yes, 0 no. All in favor, motion approved

Under new business, Mayor Holt requested contractor approval for the 2021 CDBG-EIP for Polar Beverage trucking area. This is the second bid and Sumner Construction was the low bid at \$417,600.33. This will be paid along with grants, RLF and development authority.

Jason Dunn spoke as this is public safety issue for everyone as Polar Beverage is growing and making a large investment in the community.


With no new business from council or department heads, old business was brought up by Jimmy Johnson. He requested information on the chicken. Mayor Holt addressed that the area has been cleaned up and the water tanks have been removed. We hope to have lights done by Christmas. We have discovered it will be beneficial to run the lights then do the electrical base for them.

Tommy Roberts mentioned that Tuesday, October 17, we will host District 11 Fall Meeting at the Grand.

With there being no further business, this meeting was adjourned.



APPROVED:


MAYOR

ATTEST:

Cristina Evans