

October 23, 2023

The Eastman City Council met in a regularly scheduled meeting on the above date at 6:00 p.m. The following members were present: Buddy Pittman, Sebrina Williams, Raymond Mullis, Jermaine Hamilton, and Ronnie Woodard. Others present were City Attorney Rita Llop, City Manager Spencer Barron, Police Chief Billy Cooper, City Clerk April Sheffield, and City Inspector Jack White. Present from the community were Graham Snyder, Mark and Daina Peacock, EM Harrington III, Brian Dennis, John Battle, Susan and Mitchell Coffee, Mike and Sharon Cobb Flanagan, Justin Haley, Jesse Bearden, Ashley Woodard, Emory Tuff, and Opera Jordan. Representing Your Choice Healthcare were Lynn Brown, Sherwin and Sheila Anderson, Julie Horne, Marissa Settles, Amanda Chick, Priscilla M., Morgan Thomas, and Michelle Watson.

The meeting was called to order by Chairman Pittman.

The invocation was given by Councilor Hamilton.

Pledge of Allegiance.

APPROVAL OF AGENDA:

COUNCILOR PITTMAN: First item on the agenda is to approve the agenda and I think we got a couple of changes to it.

CITY MANAGER BARRON: Yes. So, the first one is going to be to add the appeal by SLM Management for their pouring license as #8. And I believe it's the wishes of the Council to table the P&Z recommendation until we get more legal advice and do further research.

COUNCILOR PITTMAN: Council, do y'all have anything else to add, subtract, or delete? If not, then I need a motion to amend the agenda to add #8, the appeal for SLM Management for package sales license and table the planning and zoning recommendation for Your Choice Healthcare for further legal advice and study on it.

COUNCILOR MULLIS: So moved.

COUNCILOR PITTMAN: So, I have a motion from Councilman Mullis to make the changes. I need a second.

COUNCILOR WILLIAMS: Second.

COUNCILOR PITTMAN: I have a second from Councilwoman Williams. All in favor show of hands.

Motion carried unanimous. All right, now I need a motion to approve the amended agenda with the changes. **COUNCILOR MULLIS:** So moved.

COUNCILOR PITTMAN: I have a motion from Councilman Mullis. I need a second.

COUNCILOR WOODARD: Second.

COUNCILOR PITTMAN: Have a second from Councilman Woodard. All in favor show of hands. **Motion carried unanimous for the amended agenda.**

APPROVAL OF MINUTES:

COUNCILOR PITTMAN: OK, now next on the agenda is to approve the Minutes of the October 10, 2023 regular meeting and the October 12, 2023 called meeting.

COUNCILOR MULLIS: So moved.

COUNCILOR PITTMAN: I have a motion from Councilman Mullis to approve the October 10th regular meeting and the October 12th called meeting. Council, do y'all have any questions about them or anything? If not, I'll need a second.

COUNCILOR HAMILTON: Second.

COUNCILOR PITTMAN: Have a second from Councilman Hamilton. All in favor show of hands. **Motion carried unanimous.**

UNFINISHED BUSINESS:

SECOND READING OF BLOODWORTH ANNEXATION ORDINANCE:

COUNCILOR PITTMAN: Next, under unfinished business is the second reading of the Bloodworth property annexation out at the airport.

CITY MANAGER BARRON: Yes, so this is the last reading of the ordinance to bring in that 7.35 acres out at the airport into the city.

COUNCILOR PITTMAN: Council y'all have any questions about it? If not, then **I need a motion to approve the second reading for the Bloodworth property annexation.**

COUNCILOR MULLIS: **So moved.**

COUNCILOR PITTMAN: I have a motion from Councilman Mullis. I need a second.

COUNCILOR WILLIAMS: **Second.**

COUNCILOR HAMILTON: **Second.**

COUNCILOR PITTMAN: Got a double second. Councilwoman Williams. Councilman Hamilton. All in favor show of hands. **Motion carried unanimous.**

NEW BUSINESS:

RED RIBBON WEEK PROCLAMATION:

COUNCILOR PITTMAN: First, under new business is the Red Ribbon Week Proclamation.

CITY MANAGER BARRON: Yes. So we received a request from Ms. Elaine Pittman, that the Council would consider designating October 23 _ 31, 2023, as Red Ribbon Week here in the City of Eastman.

COUNCILOR PITTMAN: All right. Council, y'all have any questions about that? Is Elaine here?

CITY MANAGER BARRON: She didn't make it, but she's supposed to be here in the morning for a photo op, if y'all pass the proclamation.

COUNCILOR MULLIS: Do you need us down here in the morning?

CITY MANAGER BARRON: They're trying to work out the final times when they can get the kids down here. So, I'll give you a call or I'll call all of you and just see who's available. Possibly around 10, 10:30 depending on the school schedule.

COUNCILOR PITTMAN: All right, **I need a motion then, to approve the Red Ribbon Week proclamation.**

COUNCILOR MULLIS: **So moved.**

COUNCILOR PITTMAN: I have a motion from Councilman Mullis. I need a second.

COUNCILOR HAMILTON: **Second.**

COUNCILOR PITTMAN: I have a second from Councilman Hamilton. All in favor of show of hands? **Motion carried unanimous.**

ASHLEY WOODARD, CAPSTONE RENEWAL:

COUNCILOR PITTMAN: Next on the agenda is Ashley Woodard with Capstone Renewal.

ASHLEY WOODARD: I come with good news today. You guys are receiving an unheard of 1.4% increase on your renewal. That is in the folder along with the admin renewal which was 2% for the admin and \$5 for GHN increase, but that is all included in the 1.4% increase. Then, I also have included your aggregate report just to show you how the plan is working this year. And there's another surplus this year. And then to address the surplus from last year, there is another surplus utilization form in there. If you recall, last year you used \$100,000 divided out amongst the year for premium. And I put in there that

you're going to do the same thing, but we can change that number because technically there's a 244,000 surplus currently, not counting this year's.

COUNCILOR PITTMAN: Not counting this year's? Have mercy, that's good news. Did y'all ask her about the 60-day, 90-day wait period?

ASHLEY WOODARD: We did and it's just a matter of an amendment. You guys just have let me know if you want to do date of hire, which can kind of be hard on eligibility and billing. But that is something that we can definitely do, or you can do zero days at the first the next month.

CITY MANAGER BARRON: I would do date of hire just to make us competitive. I know that's more difficult, but.

ASHLEY WOODARD: No, it's fine. I will e-mail Meritain, and we'll drop them in. Do you want it effective immediately or January 1st?

CITY MANAGER BARRON: I think they need to vote first to do that.

COUNCILOR PITTMAN: Can we talk on this? We can talk over this for the next couple of weeks. You go over it and question, because you know what question. But yes, 1.4% increase.

ASHLEY WOODARD: Yes, and \$100,000 surplus that we want to use for premium.

COUNCILOR PITTMAN: OK, man, that is great. We'll let you come back every week. Thank you, ma'am. Council, y'all take those and go through them and if you have any questions, call Spence and we'll get them together where we can call Miss Ashley and ask her about them.

JUSTIN HALEY, DODGE COUNTY FOOD BANK:

COUNCILOR PITTMAN: Next on the agenda is Justin Haley with the Dodge County Food Bank.

JUSTIN HALEY: Well, it's been a while. I hope everybody's doing alright. I won't try to take up too much time in this process. I wanted to come to give some news. Unfortunately, it is going to be bad news. Again, I will try to keep this as short as possible. When I came in and we lobbied to get some help, ultimately, I knew that would be a Band-Aid on the real problem. And the real problem consisted of multiple things which I laid out, which was a building, getting our thrift store back open, getting grants written, getting money during that years' time to be able to continue on. You guys don't understand how much that has meant to me from that night until this day. Having said that, this is not pointing a finger at anyone or anything specific. This is, the night I walked out from that meeting and I received the confirmation from you guys I would get that amount of money. I walked out and I was alone. And I'm not talking about you guys. I mean promises were made by several things, individuals, companies. We filled those grants out. They ultimately denied us. They specifically reached out to me to ask us to do that. We did them, we got denied. They gave them to somebody else. You know, we had a building lined up. I understand her reasoning for having to sell that building as you guys saw what that gentleman put her through. Me and Miss Marilyn Halaska, who runs the food bank, have been doing this on our own. We took that money and we have been able to serve time and 1/2 what I projected, and also make the money. There is still close to \$14,000 left of that money and it's a year and a half later. We have served way more people than anticipated. We've made it last longer. But during that time, there have been so many things that have led me to understand where I'm at in my life at this point as a person. Again, I'm not going to try to keep this long. Some people know some people don't. Mr. Spence knows I'm 100% disabled. My senior year, I come down with a rare spinal cord disease. I've lost all my muscle in a lot of my upper body. My hands don't work anymore like they used to. And I've done this for multiple reasons. And one of them was because of my father. I feel like in a lot of stuff I may have let my father down physically. So I felt like helping him with Habitat for Humanity and then also carrying on the food bank. Ultimately one day I feel like, you know, even though he's gone and passed, you know, I'd make him proud. And at this point, I've come to realize that he is. I have done everything in my power for 20

years. 10 years after my father has passed, to keep it open, to keep it going. And ultimately, we can't get, there's not enough support as a whole. There's not. And we have burned every bridge, every avenue to tireless ends trying to make this work. I have been. I have come to peace with the fact that I know I have given everything I possibly have for the last 10 years. This is the 20th year of the Food Bank would have been open. And I come to tell you guys simply that December the 22nd will be the last day of the Food Bank itself for the general public. What I would like to do is to continue the backpack program through the rest of the year at another location that I've already got because it doesn't need power and refrigerators, etc., like the food bank portion does to house meat, stuff like that. That is our goal. That is my plan. I've given 10 years after my father passed away. I've given everything I possibly can to help. But ultimately, we can't make it. There's no avenue. It's basically like you guys turned on a big bright light for us and we walked towards that light, and we were getting things done. And then all of a sudden, and we were in a tunnel. And then all of a sudden, that light would turn off and the light started backing up and get further away when it came to situations like the building, getting denied for grants and stuff like that. And ultimately the lights are so far away, I can't see anymore. But I know throughout the journey, I have given everything I possibly could have given and so has everyone else who started it from Pastor George Fluellen to our previous people who have helped, to Miss Marilyn Halaska now. Understand though that, all the records are there and Mr. Spence and everybody has, and again we have served way more people than anticipated. We've made the money last way longer. We did everything possible. And you know, I felt it was just the right time. Again, I've come to peace with it. I wanted to let you all know publicly first, before we told anyone else. I felt like that was the right thing to do. And just the last part of it would be, I understand, and I don't know if this is technically correct for me to say or not, but I'm going to. If y'all need to cut the mic off, that's fine. Mr. Buddy and Mr. Raymond, I understand you guys are during a process at this time. I want everyone to understand that throughout 20 years, no one has cared to the extent that I know you two guys have helped and did throughout that time, and I can't thank you two enough. So I implore everyone to understand that yeah, some things take time and some things you may not understand, and you know that government in itself. But I want you two guys to know that I greatly appreciate all of you, but y'all understand where I'm kind of going with this situation. I greatly, greatly appreciate both of you two. Especially you, Mr. Raymond and Mr. Buddy for pushing it and to help us. It gave us time to feed a ton of more people than we ever could have. And like I said, ultimately it gave us time to try to do our best that we could to get to the point where we thought we could keep it going. We just can't. I know I've taken up enough time and there are people behind me, and I apologize. But I ultimately wanted to come let you all know firsthand.

COUNCILOR PITTMAN: Justin, we appreciate all you've done and the years and effort and put forth. I reckon you to a point you and Miss Marilyn are about the only two left and y'all two just can't do it by yourself.

JUSTIN HALEY: Unfortunately, we are. Like I said, there's going to be a need and people are going to see the need. It is tough. It is tough in a small town, especially with the economy, to put funds towards something like what we have. And sometimes there's a stigma that comes along with these programs. I can't shake certain stigmas. I can't shake certain things of that nature. But I ultimately know that me and Miss Marilyn and the people throughout this last year have greatly appreciated everything you all have done as far as just trying to get us to a point where we were able to achieve that. But unfortunately, you know, just to kind of make light of situation, the batteries have run out on the light. It's not there.

COUNCILOR PITTMAN: Now you said you wanted to keep up and continue the backpack program. Through the school year or through this year or?

JUSTIN HALEY: Basically, so the way the money essentially would work out. I got the numbers earlier. From what I can tell, there would be, and I would still save a couple \$1000 from the projected amount that I had asked for. I could keep the 501C3 open. I just don't feel like, to me, even if I had to go another avenue and get it done, I believe I can. I don't feel like it would be right to cut the kids off during the middle of the year in December. Our goal is to get all the food out of the regular food bank by December the 22nd so people can have a Christmas and stuff like that. They need it. That's the goal there. The kids have another five months of school. Again, if that's something I need to do on my own, that's just something I feel led I need to do there. But ultimately like I said, we were able to save a few \$1000 ultimately in the end, and then make it last another 6-7 months longer than anticipated.

COUNCILOR PITTMAN: Well let us. Stay in touch with Spence. See how that backpack thing. I mean if we need to.

CITY MANAGER BARRON: There's a couple of options there we can look at. **COUNCILOR PITTMAN:** Yeah, revisit it and you stay in touch with him. And like I said, if we can help carry that on through, was it, May of next year. Whatever. Let's see what we can do.

JUSTIN HALEY: Yeah. So basically, we kind of shut down at the beginning of May.

COUNCILOR MULLIS: And I want to give you a hand. *(Applause.)*

JUSTIN HALEY: Again, thank you all very much. And again, I implore people to understand that all these years, not many people have cared, but you all did. I can never be grateful enough. And especially Mr. Buddy and Mr. Raymond, thank you very much.

COUNCILOR PITTMAN: Justin, thank you, Sir.

TIA RESOLUTION:

COUNCILOR PITTMAN: Next on the agenda is the TIA resolution.

CITY MANAGER BARRON: Yes, Sir. I believe it's GDOT who is requesting us to pass this resolution to allow us to draw down our funds under the Transportation Investment Act. So, we'd ask you to please review it and pass it so we can bring down some grant money.

COUNCILOR PITTMAN: **All right, Council, so I need a motion then to approve the TIA resolution.**

COUNCILOR MULLIS: **So moved.**

COUNCILOR PITTMAN: I have a motion from Councilman Mullis. I need a second.

COUNCILOR HAMILTON: **Second.**

COUNCILOR PITTMAN: Have a second from Councilman Hamilton. All in favor show of hands. **Motion carried unanimous.**

APPROVE MONTHLY BILLS:

COUNCILOR PITTMAN: Next is on the agenda is approve the monthly bills for October 10 -23, 2023. And you all got those in your packet over the weekend and all. Do y'all have any questions about them? If not, **I need a motion to approve the monthly bills for October 10th through the 23rd.**

COUNCILOR MULLIS: **So moved.**

COUNCILOR PITTMAN: Have a motion from Councilman Mullis. I need a second.

COUNCILOR WILLIAMS: **Second.**

COUNCILOR HAMILTON: **Second.**

COUNCILOR PITTMAN: I have second from Councilwoman Williams. All in favor show of hands. **Motion carried unanimous.**

PUBLIQ QUOTE FOR BILLING TAXES:

COUNCILOR PITTMAN: Next is the PUBLIQ quote for billing taxes.

CITY MANAGER BARRON: Yes, we finally got our quote from PUBLIQ. It's our tax billing. So anyway, the bill went up \$110.86 over last year. The total this year will be \$5533.36. So we would ask Council to approve that amount so we can get our tax bills out.

COUNCILOR PITTMAN: The \$100 is probably the postage. All right, Council, do y'all have any questions about that? If not, **I need a motion then to approve the PUBLIQ quote for billing taxes at \$5533.36.**

COUNCILOR MULLIS: So moved.

COUNCILOR PITTMAN: I have a motion from Councilor Mullis. I need a second.

COUNCILOR WOODARD: Second.

COUNCILOR PITTMAN: I have a second from Councilor Woodard. All in favor show of hands. **Motion carried unanimous.**

THANKSGIVING CARD AND LUNCHEON:

COUNCILOR PITTMAN: Next on the agenda is Thanksgiving card and luncheon for staff.

CITY MANAGER BARRON: Yes, Sir. It's been the custom of the City Council to give out I believe it's a \$35 gift card. It is what we did last year. And we also need to go ahead and set the date of our Thanksgiving meal. If you are interested in doing both. We don't turn down many chances to eat.

COUNCILOR HAMILTON: Yeah, we got to do that.

COUNCILOR MULLIS: Yes, yes, yes.

CITY MANAGER BARRON: What day do y'all want to eat in November?

COUNCILOR PITTMAN: Now Thanksgiving is the week of the 23rd. Probably don't want that. Normally, what we've been doing is like the week before because you have folks taking off and moving and going.

CITY MANAGER BARRON: I want to say we did it on a Wednesday, maybe.

CITY CLERK SHEFFIELD: It is usually better on Wednesday than to do it on Thursday.

CITY MANAGER BARRON: So the 15th or 16th, does the Council have a preference?

COUNCILOR MULLIS: Just go with it. Whichever one.

COUNCILOR PITTMAN: You said Wednesday is probably better?

CITY MANAGER BARRON: It is for City Hall, but I mean, we'll accommodate the Council of course.

COUNCILOR PITTMAN: Wednesday, the 15th, sound good? All right, we'll have it Wednesday. Let's do it, Wednesday, November 15th. Can you get a turkey for \$35?

CITY MANAGER BARRON: I don't know if we can anymore.

COUNCILOR MULLIS: Oh, yeah. You can. I've been looking at some.

COUNCILOR PITTMAN: OK. Well, we'll keep it at \$35 gift card and do it Wednesday, the 15th. **Alright, I need a motion then to approve the staff \$35 gift card and the Thanksgiving luncheon on Wednesday, November 15th at noonish.**

COUNCILOR MULLIS: So moved.

COUNCILOR PITTMAN: All right. I have a motion from Councilman Mullis. I need a second.

COUNCILOR HAMILTON: Second.

COUNCILOR PITTMAN: Got a second from Councilman Hamilton. All in favor show of hands? **Motion carried unanimous.**

SLM MANAGEMENT APPEAL FOR POURING LICENSE:

COUNCILOR PITTMAN: Next on the agenda is the appeal of SLM management for package store sales.

BRIAN DENNIS: Good afternoon, everyone. My name is Brian Dennis, I'm with SLM Management and I was hoping that we could extend this review of the appeal until the next council meeting. We're still doing some due diligence in the appeal process. And also in the actual ordinance, I believe it's item number 4-10. It says the appeal process is to be conducted differently then what we thought it was to

be applied. I think there's confusion between those two different types of appeals. There's an appeal for the licensing issuance, which is section 4-10, and then there's an appeal for a different type of license, which was mentioned in 4-43, I think it is. If someone has the ordinance, 4-10 specifically addresses the appeal process for the licensing and it says.

COUNCILOR PITTMAN: Well, that's what you applied for wasn't it? I mean what are you appealing then?

BRIAN DENNIS: The appeal is to file the appeal. We'd like to get an extension to have that filing of the repeal reviewed, because it's supposed to be held through the Municipal Court, not the City Council. That's what it says under section 4-10. If I'm reading it right.

ATTORNEY LLOP: So when the City Council met on October 12, you considered three applications. On October 13th, Mr. Dennis, SLM management, was advised that his location was not acceptable to the City Council for a location. Section 4-43 of the Alcohol Code says they're notified of that decision, and the other two applicants were given a provisional license. The application process is not complete. But this one aspect, the location, the location proposed by SLM Management was not deemed acceptable by Council. Mr. Dennis was notified by letter. And in accordance with Section 4-43, you gave Mr. Dennis, SLM management, an opportunity to show cause before you why his location should be acceptable. So that is why when the letter to Mr. Dennis was sent from the city on October 13th saying we don't consider your location acceptable. He had an opportunity to appeal, which he did. You were required, according to the Section 4-43, to hold a hearing no later than 10 days after his request. Today's the 10th day. That's why I asked that you specifically and that's why it's on the agenda. He is asking for additional time and, in my opinion, that additional time would be for him to present any additional evidence to City Council at which time City Council will make its decision, notify Mr. Dennis in accordance with our code section and appeal it to Municipal Court under 4-10.

BRIAN DENNIS: Now the way I'm reading 4-10, it says the appeal starts with the Municipal Court, where we're supposed to file it with them if our license is not accepted. So the extra City Council appeal, I haven't been able to find that in the ordinance and I've read it maybe four times now. So 4-10 I think applies and I'm not sure how 4-43 applies if 4-10 doesn't apply because 4-10 specifically addresses the issuing of a new license. That's where that section is. So if we could take two more weeks to allow the City Council and Rita and everybody else to reread it to see if 4-10 applies or 4-43 applies.

ATTORNEY LLOP: Well, if Mr. Dennis wants to appeal to Municipal Court, that appeal has to be filed with the Clerk of the Municipal Court not City Council. So, if he wants to go ahead and appeal under 4-10, why doesn't the city just make its decision tonight on the appeal under 4-43? If you want to affirm it or reverse it, and then you can issue a decision and Mr. Dennis can appeal to Municipal Court.

COUNCILOR PITTMAN: OK. I'll go back to my original question. OK, what is your appeal?

BRIAN DENNIS: The appeal is basically that we're understanding that everyone is reading these ordinances and these documents for the first time and it's the first time it's being applied. So we're new just like everybody else is new. And the question that we've had from the beginning, even before we put in the license was what is the proper measurement of the distance? Is it brick to brick? Is it property line to property line? Is it front door to front door? So when you cross the differences with using front door on one end, but the property line on the other, there's some confusion with the people that we've talked to with the state as to whether you're supposed to use the same measurement on one end as you use on the other end. So if you're using front door, you're supposed to go front door to front door. If you're going to use brick to brick, then you use brick to brick. What you shouldn't do is use front door to property line, or brick to property line, or property line to front door, because you're mixing measurements. And the state person I spoke to at the Liquor Review Board, not the Board. I forgot what the guy is called that does the inspections.

CITY MANAGER BARRON: Probably at the Department of Revenue.

COUNCILOR PITTMAN: The revenue inspector.

BRIAN DENNIS: The person that handles our district for the liquor ordinances.

COUNCILOR PITTMAN: OK. But he didn't write the Constitution of the State of Georgia, though, did he?

BRIAN DENNIS: No, Sir, but he suggested.

COUNCILOR PITTMAN: But isn't that where the measurements come from is the Constitution?

CITY MANAGER BARRON: Yes, there's a dispute among what O.C.G.A says. We're interpreting it differently than Mr. Dennis has interpreted it.

BRIAN DENNIS: Right. And when I reached out to them, they say that it's actually vague to allow City Councils and the state to look at every specific location individually, not to have a hard rule. So since the state hasn't measured it.

COUNCILOR PITTMAN: I mean the Constitution. You're losing me where it says, you got a revenue person that's saying don't abide by the Constitution.

BRIAN DENNIS: No, No, No. He's not saying that. What he's saying is that if you're measuring something, you should use the same point of definition for each measurement. Brick to brick. Front door to front door. Property line to property line. If you're mixing them, you get a confusion of the measurements.

CITY MANAGER BARRON: And I'm not advocating one way or the other. I'm not disputing what he says. But just.

BRIAN DENNIS: Right. And I'm not either. I just want two more weeks so we can talk about it.

CITY MANAGER BARRON: But I'm putting it out there that me, the Chief of Police, the building inspector, and the Fire Chief read that code section and measured it that way. And in our opinion, we reported that accurately to y'all. He is asking for 10 more days or two more weeks roughly.

BRIAN DENNIS: I'm just asking to the next Council meeting to get the appeal process clarified under 4-10 or 4-43.

COUNCILOR PITTMAN: OK. All right. Well. I'm sitting here, I'm listening to you. We denied your application due to you were too close to a school property. Which, when the ordinance was written, we took that footage straight from the Constitution of the State of Georgia, isn't that correct?

ATTORNEY LLOP: We took it from the official code of Georgia.

COUNCILOR PITTMAN: And four people went and measured it. And I reckon you are wanting to, or you want us to add two more weeks, but you're not putting anything on a piece of paper.

BRIAN DENNIS: I did Sir. I sent that in on the day after we were denied.

COUNCILOR PITTMAN: So, you're asking the City Council for two more weeks to?

BRIAN DENNIS: Clarify which, which is the proper appeal process? Is it section 4-10 of the ordinance or is it section 4-43?

CITY MANAGER BARRON: Lawyer?

ATTORNEY LLOP: I don't know any or any other way to say this. Section 4-43. You made a decision on location. Mr. Dennis was advised. It's too close and we don't consider it an appropriate neighborhood. This is a provisional license. We and let me just say this: We don't have this every, and when I say we, I mean the city. The city doesn't have everything in place to issue a license. We don't have fingerprints. But the City Council decided we're going to consider applications. We can sit down on October 12, which is what you did. Under 4-43, the city, in accordance with that procedure, notified him his license would not, his application for license would not be approved as to the location. You have 10 days, Mr. Dennis, in the letter to ask for an appeal to the City Council to show cause to the City Council why we should reverse that decision. He appealed. What I hear Mr. Dennis asking for is to go right to Municipal Court. But, if you want to give them ten additional days, it shouldn't be for how to appeal. Because this is how

you appeal. But you can if you'd like. But you can give him an additional 10 days to come back to City Council to show cause why your initial October 12 decision should not.

COUNCILOR PITTMAN: And I'm not hearing that. I'm hearing he's wanting 10 more days for us to decide if we're going to measure from a door.

BRIAN DENNIS: No, no, no.

CITY MANAGER BARRON: I can tell you.

COUNCILOR PITTMAN: That's what you just said wasn't it?

BRIAN DENNIS: What I'm asking for to postpone this decision till the next Council meeting because we believe that the appeal item number 4-10 is the proper process for us to put our appeal in. So the 10 days that your attorney is saying is today should not apply. Section 4-10 addresses the application process. 4-43 addresses a very different set of circumstances. So there shouldn't be a 10 day on the situation of the application appeal. That's what I'm reading in the ordinance, and if I'm reading it wrong.

COUNCILOR PITTMAN: That's where I'm just confused. Are you appealing to us tonight? Or are you wanting 10 more days for what?

BRIAN DENNIS: We're not ready to appeal because we weren't expecting to have all of our arguments today. We thought we had to apply to Municipal Court, but I understand that this meeting was important to clarify whether we're under Section 4-10 of the ordinance, or 4-43. And 4-10 again, it says specifically it's addressing the application process. Miss Rita mentioned something about the neighborhood not being acceptable. That's in 4-43. It's a business zone. How could the neighborhood for business be unacceptable?

COUNCILOR PITTMAN: I go back to a school building. You're sitting on top of the school and that's where we based our decision when your application was denied. And so now you're wanting to appeal, but are you? But you're not really appealing, you're wanting 10 more days for us to figure out whether. I'm just confused.

BRIAN DENNIS: The appeal under 4-10 says it's supposed to be reviewed by the Municipal Court, not the City Council. And that's the application process which we were denied in.

CITY MANAGER BARRON: Let me ask this question, is there anything that prevents him at this point from going to the Municipal Court clerk and filing an appeal with the judge?

BRIAN DENNIS: It said 15 days from when we were denied. So I guess we still have time to make the appeal, but we're being advised that that's not the proper way to do it.

ATTORNEY LLOP: Well, I'm not going to give advice to.

CITY MANAGER BARRON: That's right. You can't advise him. I'm sorry.

ATTORNEY LLOP: But it does say 15 days. He's within those 15 days.

BRIAN DENNIS: So I guess my question is, is City Council supposed to do the appeal process or Municipal Court for a license that has been rejected?

ATTORNEY LLOP: Under 4-10, it's the Municipal Court.

CITY MANAGER BARRON: If that's the advice of our attorney, then.

ATTORNEY LLOP: Well, that's what it says. I'm not telling him which way to do it. I will suggest that whatever happens at this point that this Council take a vote. Are you going to extend his 10 days? I really don't know what he's asking.

COUNCILOR PITTMAN: I don't either.

COUNCILOR HAMILTON: Instead of appeal, you need to say extension.

CITY MANAGER BARRON: He wants time to perfect his appeal is what I think.

COUNCILOR HAMILTON: You see, it's just the terminology that you're using. Again, you know where I stand, but I'm just telling you that this is an extension of the 10 days or the 15 days. Whatever it is, that's what you are asking for, right?

BRIAN DENNIS: I believe so, yes.

COUNCILOR PITTMAN: I think he's trying to get. You are wanting 10 days. I mean, I still go back because you keep trying, you keep going around that circle of measuring from the door to a door or door to property. So you are wanting 10 days for us to decide how we're going to measure it?

CITY MANAGER BARRON: He's asking for 10 days to gather more evidence to bring before either this body or the Municipal Court judge. Maybe, is that what we're?

BRIAN DENNIS: Yes, because according to what I read, the appeal process is to be made to them, not to city council.

COUNCILOR PITTMAN: OK, I understand that sentence. OK. What are you appealing to us for? The measurement? The distance that we go by? That we went by in denying your application?

BRIAN DENNIS: Yes Sir. The measurement we believe should have been consistent with the starting point and the ending point. We don't believe it should have been crossed between the property line and the front door. It should have been either just property line to property line. Or it should have been front door to front door, or it should have been brick to brick. Mixing the two, we believe we would like to present evidence in the appeal process that the state measures it differently for different occasions.

COUNCILOR WILLIAMS: But doesn't it say educational buildings? It also says educational buildings. It doesn't say just door to door. It says buildings. Where your property is there is a school building right behind your building.

INSPECTOR WHITE: The property line that we measured to was Mr. Dennis's property marker at the school property. That is the property line that we measured to. Now, if there is any confusion there, it is something he's got to go back to his surveyor about because we measured to his markings from his surveyor.

COUNCILOR HAMILTON: And you're saying that our measurements was inaccurate?

CITY MANAGER BARRON: He's challenging it.

BRIAN DENNIS: I'm not saying it's inaccurate. I'm saying that we spoke to other liquor store owners throughout the state. And when we talked to the person who was responsible for Dodge County liquor enforcement with the government, and he said that they don't normally mix the measurements. They use one consistent measurement of front door to front door or property line to property line or brick to brick. That was his advice that he gave us.

CITY MANAGER BARRON: And I'm not saying he's wrong at all, but anybody that rides out there will see the two property lines adjoin.

BRIAN DENNIS: Exactly correct. So if the measurements are going to be property line to property line, then we butt up against each other and that's the way it was measured, and we still have the option to appeal.

CITY MANAGER BARRON: I don't dispute that. **BRIAN DENNIS:** Then who do we appeal to, the City Council or the Municipal Court? Back to 4-10 or 4-43.

COUNCILOR PITTMAN: Appeal to both of us. Now if we give you 10 days, are you going to come back? **Which our next meetings in 14 days.**

BRIAN DENNIS: We were hoping that we could get the inspector from the liquor board here to give his opinion and actually measure the three different ways or four different ways that they measure. But I understand., you know the community, or the school board, is not in favor of it. We hopefully requested to get a meeting with the school board or the Superintendent because we have some suggestions, we'd like to share with them. We have not been able to have that meeting yet, so we're just asking to push this decision for two more weeks. For the next meeting.

COUNCILOR PITTMAN: But now, OK, I'm still going back. What are you going to bring us to appeal to us? If you go to the magistrate. You've been talking to somebody. I mean, at the last meeting when you were denied. You had been talking to this revenue person. He's come back up again tonight. I don't know that he's in charge of cities and municipalities of how they measure and do stuff. But I mean it's like we circling the wagon and we're going back and over around in circles? What are you coming to appeal to us. What is your goal? I mean, it's like if I get stopped by the State Patrol going down the road 85 miles an hour and I'm going to go to court and take my chances. I'm going to go to court and say I wasn't riding 85 miles an hour. But you are wanting to appeal to us. But it's like what are you coming to appeal? Because it's like you really ain't. It's like we're putting the words in your mouth because we're trying to pull them out. You're questioning our measurements because that was where we made our decision. It was the property line and the measurements. I think the furthest one y'all got was 103 yards, which is 309 feet. You weren't but about 300 shy of being.

BRIAN DENNIS: But what they measured was from the front door of the building to the property line. And our suggestion is they should have measured from the front door of the building to the front door of the school. Or if they were going to measure brick to brick.

COUNCILOR PITTMAN: Well, you got a school building right there behind you. The front door of what building?

BRIAN DENNIS: The front door of the school and the front door of our building. It's what they used in the measurement.

COUNCILOR PITTMAN: OK, you're coming back to appeal to us for?

BRIAN DENNIS: I'm coming here today to address that the appeal process that I believe according to the ordinance is supposed to be under Section 4-10 and we are supposed to apply to the Municipal Court. But it doesn't say anything about a City Council appeal that we've read in the ordinances anywhere. So I'm trying to get clarity on the application of 4-43 or the application of 4-10.

COUNCILOR PITTMAN: OK, well, if it don't say anything about appealing to us, then you still got five days to appeal to the Municipal Court judge.

BRIAN DENNIS: Right. But I wanted to address.

COUNCILOR PITTMAN: But you just said that it don't say anything about appealing to us. So I reckon we're out of the picture. So you still got five days to appeal to the Municipal Court judge.

BRIAN DENNIS: Yes, but we still want to make sure that we address the Council to discuss the building because we're interested in developing the land. And under 4-43, there's a mention of traffic and nuisance to the neighborhood. Our zoning is business. We plan to develop the entire lot. We plan to triple the traffic with other businesses. And if we're going to start a fight again with more businesses at that location, I'd rather address it now before we go forward.

COUNCILOR PITTMAN: Okay, but your application was for package store sales. It wasn't for rerouting school traffic. It wasn't for tripling traffic. It was to sale alcohol and your application was denied by Council because it didn't meet the measured requirements.

BRIAN DENNIS: Now, all this, you're coming in and wanting to develop property and increase traffic and all that. This is for alcohol package sales. **BRIAN DENNIS:** The traffic was listed in our denial. It was told that the building or the use of that function would be a nuisance to the traffic and a nuisance to the neighborhood. So, we're addressing all the points of the denial letter.

COUNCILOR PITTMAN: OK, Council, we can beat this horse all night long. What do y'all? I think we have somebody else wanting to speak. Anybody else want to speak?

COUNCILOR HAMILTON: Miss Jordan?

COUNCILOR PITTMAN: Because we ain't going to be here to midnight beating this same horse.

OPERA JORDAN: I am not here to cause no problems. I just want to know. Would it be better if another building could be found and it not be so close to the school, for this? I mean, I am not against what you're trying to do but I'm just asking. Because we do have kids in school. And it could possibly happen, but God forbid this. But if somebody go there and be intoxicated and the school zone is right there, and school is out, and somebody get hurt or the kids. See then, that would be more a lawsuit for the city. I'm just asking. Don't anybody get upset.

COUNCILOR HAMILTON: Thank you, Ms. Jordan.

GRAHAM SNYDER: I mean, it states pretty clearly in 4-43-4, which is what Mr. Dennis has brought up. But the city has already ruled that it has been denied his request. So it is at their discretion that any contrary to public interest and welfare, no licenses to sell alcoholic beverages of any kind should be issued if the city, through their judgment and discretion, believes that because of traffic congestion or general character of the neighborhood or by any reason of the effect which such an establishment would have on the adjacent and surrounding properties or on the neighborhood. That was basically how you made your decision. So I think that's a simple, simple answer. The request should be denied for appeal because it was still, regardless of what he defines, is not going to change the matter that it is too close to the school. I think it's a pretty moot point. It should be a simple decision. No. No appeal should be needed.

COUNCILOR MULLIS: I agree with him.

COUNCILOR PITTMAN: Anymore?

COUNCILOR HAMILTON: Thank you, Sir.

COUNCILOR PITTMAN: I'm assuming that this appeal is coming before us tonight.

ATTORNEY LLOP: Yes. Mr. Dennis asked for a request for an appeal or a review of the liquor distance rule by his letter of October 13.

COUNCILOR PITTMAN: All right. And with that being said, Council, we can poll it right now. Are you interested in granting 10 days to dig up more evidence or something? Or are you good with your decision we made?

COUNCILOR HAMILTON: I'm good with my first decision. Denial.

COUNCILOR PITTMAN: Ronnie, how about you?

COUNCILOR WOODARD: Stay where we were.

COUNCILOR PITTMAN: Ms. Sebrina?

COUNCILOR WILLIAMS: I just have a bad feeling. I say no.

COUNCILOR MULLIS: Stay like it is.

COUNCILOR PITTMAN: All right. And mine feels the same. So, correct me if I'm wrong. Can I call for a vote now to grant this appeal or call for a vote to stay with our original decision in denying the application due to distance restraints, distance constraints and stuff? And, then if he wants to further his appeal, he can go to the Municipal Court judge.

ATTORNEY LLOP: Yes. Or you could grant him an extension of time.

COUNCILOR PITTMAN: I mean, I don't know what the extension is for.

ATTORNEY LLOP: Your original letter to them was the distance and that the neighborhood was not suitable.

COUNCILOR PITTMAN: It's a school. The kids are playing. Y'all were out there measuring it and the kids were coming up to the fence and some were asking about your gun.

CHIEF COOPER: We can't supersede state law. The state law says property line to property line. We went above that and went door to property line. State law 3-3-20, property line to property line.

MARK PEACOCK: That is correct.

COUNCILOR PITTMAN: So with that, **I will entertain a motion then that the Council stand behind its original decision in denial of the application for SLM Management for package store sales at the address on the McRae Highway.**

COUNCILOR MULLIS: **I second that.**

COUNCILOR PITTMAN: No, I was asking for a motion.

COUNCILOR MULLIS: Oh, I'm sorry.

COUNCILOR HAMILTON: **So moved.**

COUNCILOR PITTMAN: OK, you have a motion. We got a second. All in favor? Show of hands. Alright. **(Unanimous.)**

ATTORNEY LLOP: And I'll ask the Council to make a motion to allow Spence Barron to send that decision to Mr. Dennis in writing so that he'll have that in his hand.

CITY MANAGER BARRON: And this will be a denial of his appeal based on tonight's vote. OK, just making sure.

ATTORNEY LLOP: Yes, Sir.

COUNCILOR PITTMAN: He appealed but we still stand by our original decision on the 12th. **CITY**

MANAGER BARRON: Yes Sir. And his next recourse then will be Municipal Court if he decides to carry it to that point. OK. Oh no, I'm not giving him legal advice. Brian, I'm not giving you legal advice. Consult your own attorney, please.

COUNCILOR PITTMAN: **Okay, now I will entertain a motion for the city manager to send Mr. Dennis another letter with our decision tonight.**

COUNCILOR HAMILTON: **So moved.**

COUNCILOR PITTMAN: Have a motion from Councilman Hamilton. I'll need a second.

COUNCILOR MULLIS: **Second.**

COUNCILOR PITTMAN: Have a second from Councilman Mullis. All in favor show of hands. **Motion carried unanimous.**

EXECUTIVE SESSION-PERSONNEL MATTERS:

COUNCILOR PITTMAN: Next on the agenda is an executive session to discuss personnel matters. I need us five and Rita. So, **I need a motion to adjourn into executive session.**

COUNCILOR HAMILTON: **So moved.**

COUNCILOR MULLIS: **Second.**

COUNCILOR PITTMAN: All right, all in favor? **Motion carried unanimous.**

COUNCILOR PITTMAN: **I need a motion to come out of the executive session back into regular session.** **COUNCILOR MULLIS:** **So moved.**

COUNCILOR PITTMAN: I have a motion to come out, back into regular meeting. I need a second.

COUNCILOR HAMILTON: **Second.**

COUNCILOR PITTMAN: I have a second from Councilman Hamilton. All in favor show of hands. **Motion carried unanimous.** And during our meeting, we discussed the city manager position and his salary agreement that he's had since he's been here. And Mr. Barron has been an asset to the city, and we would like to obligate him to the city for our future endeavors and growth. And at this time, **I need a motion to approve the amendment to his agreement.**

COUNCILOR MULLIS: **So moved.**

COUNCILOR PITTMAN: I have a motion from Councilman Mullis. I need a second.

COUNCILOR HAMILTON: **Second.**

COUNCILOR PITTMAN: I got a second. All in favor show of hands. Motion carried unanimous.

CITY MANAGER'S REPORT:

CITY MANAGER BARRON: I just want for one to tell the Council thank you for renewing my contract and I want to thank everyone in the City of Eastman for letting me work for you. I promise you; we are on the path to bigger and better things. And we're going to get some amazing stuff done. Again, thank you to the Council. I truly appreciate it.

OTHER BUSINESS FROM COUNCIL:

COUNCILOR HAMILTON: I think we will end on a good note with the renewal of the City Manager contract.

PUBLIC COMMENTS:

LYNN BROWN: I know my request got tabled tonight, but I just want to introduce myself and kind of give you a little information. I'm Lynn Brown or Pamela Lynn Brown as my professional name goes. I am Family Nurse Practitioner and I've owned Your Choice Healthcare since 2017. We originally bought Doctor Jun's old building. It is zoned Professional building. We have added a new provider in our location. We are maxed out in our building currently. We need room. And according to the law and the zoning, I can have access to bringing in a modular building for office space, and that is our intent. I also have prepared a short little plan that we propose. I'll be glad to share with you. Y'all it's not going to sit there like an eyesore. We want to set it up. Make it a building that's accessible to the public, not only for our practice but to hold classes in the evening to talk about health and, you know, how to eat right. You know, maybe do some community resources. We're not just here, we're growing. And if I don't have the space I need, I'm going to have to grow somewhere else. Do y'all want me to do that and send all my employees to the house? I can't do that. I want to be here. I mean, I left Baxley and came here. Married Jay Brown. As most you know, my late husband was a fireman who died in a line of duty death in 2010. I stayed in Eastman because Eastman's home. I served this community, and I serve it well. I serve over 5000 patients in Dodge County alone. So we propose to build, you know, put the building in, give us some office space, make it look like a new, you know. How do you say it? Turned the sow's ear into a silk purse. That being said, we do plan on doing some remodeling to it on the outside as well as the inside. But that's you know, I will be glad to give you a proposal. I'm not going to go in detail about it. The plan is for it to add to my property value, not just anybody else's. So, we want to, you know, serve our community, improve our property, and continue to grow. Because I've got 2 offices. Well, actually I have four. I have one here, one in McRae, one in Baxley, and one in Millen, GA. So that being said, I need a corporate space. And I'm planning to open a couple more before it's over with before I sit down. So we need that we need the space. And this is a feasible, economic way for us to do that over a period of time. So I just, you know, would be glad to answer any questions and give you a copy of my proposal. And if you have any questions, I'll more than be happy to answer.

COUNCILOR PITTMAN: Can we have copy of that please, ma'am? You brought whole stack.

LYNN BROWN: I did. I did. I come prepared. My help makes sure I'm very prepared. So long story short, you see that we're planning on updating the facade of it, sitting it on a permanent block foundation so that it's tied down. It doesn't look like a modular building. I mean, I want it to look nice and I want my patients to be able to use it and my community to be able to use it. So, if you have any questions or anything, I'll be glad to answer.

COUNCILOR PITTMAN: Council, you all have any questions for Ms. Lynn? I don't right now. Thank you for coming and bringing this.

LYNN BROWN: Alright, well I appreciate you letting me speak.

ADJOURNMENT:

On a motion from Councilor Mullis and a second from Councilor Hamilton, the meeting was adjourned.

CHAIRMAN

CITY CLERK