

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JANUARY 24, 2013
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Deidra White, and James Wright. Councilman Alvin Payton, Jr. and Councilman Robert Yost were absent. The invocation was given by Brinson Barker, Associate Pastor of New Covenant Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE JANUARY, 2013 EMPLOYEE OF THE MONTH AWARD

Consideration of the January, 2013 Employee of the Month Award (Derrick Keene, Police Department).

Commander Brian Childress stated that Derrick Keene began his employment with the City of Valdosta Police Department in September, 2009 as a Patrol Officer which is the position he currently holds. Officer Keene is one who always shows initiative, continuous improvement, and is the first to volunteer when a task needs to be completed. When the Valdosta State University Police Department was slated for a two-day training session, Police Chief Frank Simons requested that the Police Department provide Officers to work for them. Officer Keene was selected by the Command Staff to assist. On two different occasions, Officer Keene went above and beyond the call of duty. One evening, Officer Keene observed a citizen on a bicycle without a headlight and stopped the citizen to question him. The individual fled the scene. Working with a 911 dispatcher, Officer Keene identified the subject, learned that he was wanted for a parole violation, and requested his address. The next morning, Officer Keene took the subject into custody. While at the residence, Officer Keene located a second stolen bicycle from Valdosta State University which had an Atlanta dealer sticker. Officer Keene notified the owner of the bicycle. In late November of last year, Officer Keene responded to the physical assault of an elderly person in our community. Officer Keene again went above and beyond the standard response for a Patrol Officer and provided Detectives with overwhelming evidence and witnesses to facilitate a warrant; however, Officer Keene did not stop there. He also maintained contact with the investigating Detectives and when a warrant was issued, Officer Keene searched, located, and arrested the violent offender. Detectives noted that without Officer Keene's assistance and insight the case would have taken longer to close. For these reasons and many others, the Employee Relations Committee nominated Derrick Keene as Employee of the Month.

Mayor Gayle recognized Valdosta State University journalism students and their instructor, Ted Geltner, Associate Professor of Journalism, as well as the new Chairman of the Lowndes County Board of Commissioners, Bill Slaughter.

APPROVAL OF MINUTES

The minutes of the December 13, 2012 Regular Meeting were approved by unanimous consent (5-0) of the Council.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2013-1, AN ORDINANCE TO ESTABLISH QUALIFYING FEES AND DATES FOR THE 2013 CITY OF VALDOSTA MUNICIPAL ELECTION

Consideration of an Ordinance to establish qualifying fees and dates for the 2013 City of Valdosta Municipal Election.

Mark Barber, Deputy City Manager of Administration, stated that according to Georgia Code 21-2-131(a)(1)(A), the governing authority of any county or municipality shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming Primary or Election no later than February 1st of any year in

which a General Primary, Non-Partisan Election, or General Election is to be held, and at least 35 days prior to the Special Primary or Election. The appropriate advertisement ran in the Valdosta Daily Times on January 13, 2013 and another will run August 30, 2013. The Districts to be considered for election as well as the qualifying fees are as follows: (1) Mayor/Council: Deidra White (District 2) - \$465; Alvin Payton (District 4) - \$465; Robert Yost (District 6) - \$465, (2) Valdosta City School Board: Annie Fisher (District 1) - \$35; Vanessa Flucas (District 2) - \$35; Warren Lee (District 3) - \$35. The qualifying period will be August 26-30, 2013 from 8:30 a.m. to 4:30 p.m. at the Lowndes County Board of Elections. Additionally, the City has contracted with the Lowndes County Board of Elections to handle the Election. The services they will provide include qualifying of candidates, training poll workers, placing required ads, and other duties as may be required to conduct the November 5, 2013 Municipal Election. The budget amount to be requested is \$25,000. Mark Barber recommended that Council approve the Ordinance to establish the qualifying fees and dates for the 2013 City of Valdosta Municipal Election.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (5-0) to enact Ordinance No. 2013-1, an Ordinance to establish the Municipal Election date of November 5, 2013, the qualifying date of August 26-30, 2013, the qualifying fees of \$465 for Council members and \$35 for Valdosta City School Board members, and the budget amount of \$25,000 for the 2013 City of Valdosta Municipal Election, the complete text of which will be found in Ordinance Book XII.

BIDS, CONTRACTS, AGREEMENTS, AND EXPRENDITURES

Consideration of bids for Scott air packs for the Fire Department (Bid No. 6-12-13).

Greg Brown, Purchasing Agent, stated that the National Fire Protection Association (NFPA) Fire Code dictates what is permissible with regards to breathing equipment used by the Fire Department. Once purchased, air packs may be upgraded twice over their useful life to remain in compliance with the current Code. Once this has occurred, the units are required to be replaced. A FEMA Grant has been awarded to the Fire Department to purchase such equipment which will cover 80% of the purchase price with the remaining 20% coming from the Fire Department budget. The Purchasing Ordinance allows the City to utilize State contracts for the purchase of goods and services. The Fire Department currently uses and has used for many years Scott air products for the quality and standardization of the equipment. Scott has been awarded a State of Georgia contract through Fisher Safety which government entities can utilize. A minimum of a 19% discount off of list price is provided through this contract. The Fire Department proposes to purchase 55 air packs, 55 masks (which will include a fitting session), and 110 carbon fiber tanks for \$247,885. The FEMA Grant will provide 80% or \$198,308 and 20% or \$49,577 will be provided through the Fire Department budget. Greg Brown recommended that Council approve the request to purchase Scott air packs in the amount of \$49,577 with a FEMA Grant match of \$198,308 and allow the Fire Department to proceed with the purchase.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (5-0) to approve the request to purchase Scott air packs from Fisher Safety in the amount of \$247,885 and allow the Fire Department to proceed with the purchase.

LOCAL FUNDING AND REQUESTS

Consideration of a request to abandon an easement within the Drury Inn development.

Pat Collins, City Engineer, stated that in October, 2002, Impac Hotels granted a permanent utility easement to the City for the purpose of using and maintaining a water main across their property. This water main was used until Drury Development Corporation recently redeveloped the property and abandoned a portion of the water main and installed new water mains. In order to clear title to the land that was used for the now-abandoned water mains, Drury has asked that the City formally abandon that portion of the City's easement that is no longer needed. Pat Collins recommended that Council approve the request to abandon an easement within the Drury Inn development.

A MOTION by Councilman Carroll, seconded by Councilwoman White, was unanimously adopted (5-0) to approve the request to abandon an easement within the Drury Inn development.

Consideration of a request to appeal the decision on a Certificate of Appropriateness by the Historic Preservation Commission for relocation of 11 houses.

Bill Nijem, Attorney, 209 East Alden Avenue, stated that he represented McAllister Development Company and they are appealing a December decision that was issued by the Historic Preservation Commission (HPC). As a result of that appeal, they have had some ongoing discussions with City Staff and they are agreeable to tabling this request and to go back before the HPC at their February 4, 2013 Meeting. Mr. Nijem asked Council's consideration in tabling the request; however, if things do not work out with the HPC, they would like to come back before Council at the February 7th City Council Meeting to address the appeal and to get a yes or no answer from Council on the request without conditions. Mr. Nijem stated that he wanted to provide some history for the Council members in order to lay some groundwork as to how they got to this point. In October, 2012, they appeared before the Mayor and Council to ask that the property be rezoned to Community-Commercial (C-C) and Planned Development. In November, 2012, they attended the HPC Meeting and the HPC issued a decision to give McAllister Development 90 days from the date of the HPC Meeting to try and relocate all of the 11 houses. They would then come back to the HPC Meeting in February, 2013 to reassess their efforts and determine whether demolition permits would be issued. After the HPC decision, they started to think about the practicality of things and how it would work out in trying to relocate houses on property that the developer does not own. It got to be cumbersome and because of that McAllister Development wanted to preserve their rights so they filed an appeal by the December 5, 2012 deadline. It is very difficult to relocate the properties when McAllister Development does not own them and they cannot enter into a contract. In addition, the people who do own the properties that are under contract do not want the houses moved because they are not certain if the project is going forward since the demolition permits have not been issued. No one knows what will happen if the houses cannot be relocated. It has been difficult to manage those expectations and relationships with people who are interested in the houses and the property owners. They are stuck in a phase right now because there is a contingency that they have to go back before the HPC and no lender will entertain giving them a loan for a project that might not go forward due to demolition permits not being issued. That is why an appeal was filed. Mr. Nijem stated that they wanted to go back before the HPC to explain their concerns which they did that in January, 2013. They asked for the HPC to reassess their decision because all they needed at this point was a date certain in the future as to when the demolitions permits will be issued if their efforts to relocate the houses do not work. The timeline on this project is very important for viability and feasibility to start construction in the spring in order for the project to be completed for the fall class of 2014. Mr. Nijem stated that they asked the HPC to approve the demolition permits now but not to make them effective until March 15, 2013. In that interim period, they would do all they could to relocate the houses. They have had a lot of hurdles with getting approval from property owners to market the houses for relocation which took several few weeks. They ran weekly classified ads on the relocation of the houses and even sent an E-mail to the Valdosta Board of Realtors List Serve, which has 200 realtors in Valdosta and the surrounding area, about the availability of these houses. They also contacted Stuart Mullis, Habitat for Humanity, to see if he had any interest in the houses and he told them it would be cheaper to build them. They have had a lot of calls from the classifieds and McAllister Development has explained to the people what they would be responsible for such as the cost for moving the houses. There are 10-15 people who are still interested and they need to get them under contract to move the houses. They want to know that the houses are going to a vacant piece of property and not just be dismantled for copper and other things and moved by a certain date. The developer has also agreed to apply the demolition expenses toward the relocation expenses so if it cost \$10,000 to demolish one of the houses they would take that \$10,000 and apply it toward the relocation expense so that the person relocating the house would have it. There have been a lot of efforts made to comply but they now have their backs against the wall and they are running out of time. They need a date certain when the demolition permits will issue. This is a \$32 million project and it will generate a lot of revenue, tax base, utilities for the City, and jobs for the community. Mr. Nijem stated that a motion was made by the HPC earlier this month to approve the request that he had made but the motion did not carry and was denied 3-2. There is authority in the Ordinances to go ahead and issue demolition permits based upon the project's Special Merits Ordinance, Section 238-13(d), which states that if there is a project of special merit to the community and the benefit outweighs the benefit that the current use of the existing property has, then the HPC and Council can take that into account in looking at whether to demolish the houses.

Councilwoman White inquired as to when the 90-day expiration date that the HPC gave them would expire. Mr. Nijem stated that it would expire at the February 4th HPC meeting and the March 15th date that they gave would be in addition to the 90 days. Mr. Nijem stated that they asked the HPC approve the demolition permits and make

them effective March 15th. Councilwoman White inquired as to how many additional days that would be. Mr. Nijem stated that it would be 45 days.

Councilman Carroll stated that he was very appreciative of McAllister Development and Mr. Nijem in looking at the agreement that has been forged in good faith. Council is excited about the project and supportive of it and that has not changed. Councilman Carroll stated that he appreciated the developer working with us through the technicalities of this type of project in the Historic District. Councilman Vickers stated that he was in agreement with Councilman Carroll's sentiments.

Councilwoman White stated that this project is great for our City, our community, Valdosta State University, and the students. Her interpretation would be that it meets the requirements that are in the Ordinance of Special Merit. Based on the magnitude of the \$32 million investment into the community by a private development, that would benefit our public university and its surrounding areas and be a positive impact. It will help the City with several initiatives such as helping to protect what is left of our single family neighborhoods within the City, creating walkability, and reducing the amount of traffic flow in that area. Councilwoman White stated that she agreed with Councilman Carroll and Council has already stated how they stand on the issue; therefore, she would like to give the process one more time to work and since Mr. Nijem is agreeable to going back before the HPC at their February 4th Meeting she would make a motion to postpone the appeal.

A MOTION was made by Councilwoman White to postpone the appeal until the February 7, 2013 Council Meeting with the condition that the HPC hear the case and make its final decision on this matter at its February 4, 2013 Meeting. The motion was seconded by Councilman Vickers. The motion was unanimously adopted (5-0).

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that we are now taking applications for the City Government 101 Class for 2013. This information will be made available to the public through the City's website, the City Beat Newsletter, and the weekly newsletter that the Public Information Officer sends out. Applications are due by March 8, 2013.

The City and County are co-sponsoring a parade on January 30, 2013 to honor the Valdosta State University champions which consists of three teams from the past 18 months that have won National Championships. The teams to be honored include the Tennis Team, the Women's Softball Team, and the Football Team. The parade will start at 4:00 p.m. at Woodrow Wilson Drive and end at Drexel Park at 5:00 p.m. at which time there will be a ceremony and a joint Proclamation presented by Mayor Gayle and Lowndes County Commission Chairman Bill Slaughter. Council members are encouraged to attend to help honor Valdosta State University.

The Lowndes County Bird Supper tickets are now on sale and the date for the event is February 27, 2013. This year there will also be a local shuttle that residents can take to the event and return to Valdosta afterwards for a cost of \$40.

The Valdosta Daily Times did a great job in writing about the City's 2012 Firefighter of the Year, Eddie Rodriguez, who was selected by the Exchange Club. He has done many good things for the Fire Department and the City.

There are a few days left for citizens to apply for vacant Board seats. There are two slots on the Historic Preservation Commission and four vacancies on the Community Development Block Grant (CDBG) Advisory Committee. Those applications are due by January 30, 2013 at 5:00 p.m.

Larry Hanson, City Manager, stated that we have filled the Human Resources Director position that has been vacant for some time. Renassa Small will start on Monday, February 11, 2013 and we will have an opportunity for the Mayor and Council to meet her very soon. Also, the Police Chief search is progressing and we had 45 applicants from 16 states. Interviews will start in approximately two weeks for that position.

Councilman Vickers stated that they had a very successful Martin Luther King, Jr. Banquet and they appreciate the support of the community and the Mayor and Council. They would not be where they are today without the City’s support and partnership.

Mayor Gayle stated that he was at the Southern Georgia Regional Commission Council Meeting today and the County’s representative, Commissioner Joyce Evans, was also in attendance. The Georgia Department of Community Affairs mentioned the establishment of a MLK Association and we asked them to let us discuss this with the MLK Commemorative Association in Valdosta to get their thoughts. It will involve designating some places where Dr. King did certain things and made stops. John Leonard, Executive Director of the Southern Georgia Regional Commission has the information on this Association.

Councilwoman White stated that our own Councilman Vickers was named this Year’s “Candle in the Dark” and it was a great honor. It was a pleasure to see him win another award.

Councilman Wright thanked the Valdosta Police Department for their professional handling of the event that happened recently on Troup Street. They helped to calm the community down and their assistance was very much appreciated. Councilman Wright also asked for Council’s support in looking at ways to change the zoning or the building in that area so that they could prevent incidents like this from happening in the future. They had met with the Mayor about two days before the incident and were looking at some ways to solve problems in that area. Councilman Wright stated that he was hopeful that they could move forward to try and address that issue and make it a safer place for the community and the children in that area.

CITIZENS TO BE HEARD

There were no citizens to be heard.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (5-0) to adjourn the January 24, 2013 Meeting of the Valdosta City Council at 6:11 p.m. to meet again in Regular Session on Thursday, February 7, 2013.

City Clerk, City of Valdosta

Mayor, City of Valdosta