

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JULY 5, 2007
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, David Sumner, Alvin Payton, Jr., Willie Head, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Councilman Alvin Payton, Jr., followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE JULY EMPLOYEE OF THE MONTH

Mayor Fretti entertained a motion for the July, 2007 Employee of the Month Award.

A **MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to approve the July, 2007 Employee of the Month Award.

Mayor Fretti presented the July Employee of the Month Award to Sementha Mathews, Community Development Department.

Sementha Mathews was employed by the City of Valdosta on September 5, 2006 as Public Information Coordinator, which is the position she currently holds. As Public Information Coordinator, Sementha is responsible for all communications with the media and the citizens of our community. She works with all City Departments to gather and disseminate information through various tools such as the City's website, the City Beat newsletter, the annual report, and various press releases and media advisories. Each year, Georgia Cities Week is an important event to the City of Valdosta as well as other cities across the State. It is a time when the City has the opportunity to open its doors to the community and showcase its facilities and services with pride. This year Sementha did an outstanding job improving on the events the City hosts. She also added new events such as Customer Service Day and an Appreciation Reception for those serving on various boards and committees. Thanks to her efforts, many more of our citizens were able to participate in various events and enhance their understanding of how the City functions. Hopefully, the participation of many students in the Job Shadow Day during Georgia Cities Week will provide fertile ground from which future leaders will emerge. As Thomas Jefferson once stated, "an informed citizenry is the only true repository of the public will." Sementha's success in bringing this effort to a higher level has helped to ensure this is accomplished. For these reasons and many others, the Employee Relations Committee nominated Sementha Mathews as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the June 21, 2007 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Jerome Tucker, 5938 Jumping Gully Road, stated that he had been involved in all the previous SPLOST campaigns in Lowndes County, both government and educational, and the benefits are very obvious. There are two components to SPLOST which are distribution and passage. The passage should be getting easier and easier since the benefits to the community are there for the public to see. Mr. Tucker stated that he intends to work on this SPLOST campaign and asked Council to give the citizens the best opportunity for the passage of SPLOST. The distribution is for the City Council and the County Commissioners to work on. When it comes across that the City and the County are not together on the SPLOST, then citizens are not going to support it and that makes it tough to

get it passed. When any segment of the community benefits then we all benefit from it, and anyone can see what SPLOST has meant to Valdosta and Lowndes County and the region. Mr. Tucker stated that he would go before the County Commissioners with the same message and asked Council to work toward getting SPLOST passed in the upcoming election.

PUBLIC HEARINGS

AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE POSTPONED

Consideration of an ordinance to rezone 22 acres from Single-Family Residential (R-15) to Planned Residential Development (PRD) as requested by Mark Courson (P. C. File No. VA-2007-25). The property is located on the west side of Cherry Creek Road (Staten Road) just north of Lake Laurie Drive. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended tabling the request for one month to allow the developers time to address and clarify the issues and concerns that were brought before the Town Hall meeting (7-0-1 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the Planning Commission had recommended postponing this request for one month. Staff also recommended postponing this request in order to allow time to review a revised site plan. As of today, the revised site plan has not been received but the applicant is working on development of the site plan. Mayor Fretti stated that Council could postpone the request without having a Public Hearing if they chose to do so.

A MOTION by Councilman Sumner, seconded by Councilman Head, was unanimously adopted (7-0) to postpone the request to rezone 22 acres from Single-Family Residential (R-15) to Planned Residential Development (PRD) as requested by Mark Courson for one month.

ORDINANCE NO. 2007-26, AN ORDINANCE FOR A TEXT AMENDMENT TO THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance for a Text Amendment to the Valdosta Zoning Ordinance to amend Section 5-1 (Table of Permitted Uses) to allow telecommunication towers in an Environmental-Resource (E-R) zoning district as requested by the City of Valdosta (P. C. File No. VA-2007-30). The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the City of Valdosta is proposing to amend Section 5-1 (Table of Permitted Uses) of the Zoning Ordinance to allow telecommunication towers in the Environmental-Resource (E-R) zoning district. All of the parks within the City of Valdosta are currently zoned E-R. As a Special Exception, any new tower requests would be heard by the Planning Commission and the City Council to determine if the request is appropriate according to the Special Exception standards. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of the text amendment (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-26, for a Text Amendment to the Valdosta Zoning Ordinance amending Section 5-1 (Table of Permitted Uses) to allow telecommunication towers in an Environmental-Resource (E-R) zoning district as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-27, AN ORDINANCE FOR A TEXT AMENDMENT TO THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance for a Text Amendment to the Valdosta Zoning Ordinance to amend Section

11-1 (Board of Appeals Membership) to expand the size of the Zoning Board of Appeals to eight members and to clarify the selection of the joint attorney appointment as requested by the City of Valdosta (P. C. File No. VA-2007-31). The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the City of Valdosta is proposing to amend Section 11-1 (Board of Appeals Membership) of the Zoning Ordinance to expand the size of the Zoning Board of Appeals to eight (8) members and to clarify the selection of the joint attorney appointment. The Zoning Board of Appeals would consist of eight (8) members, all of whom shall be residents of Lowndes County, and one of whom shall also be an attorney who has been admitted to the Georgia Bar. The Lowndes County Board of Commissioners shall appoint four (4) members from the County and the Valdosta Mayor-Council shall appoint four (4) members from the City. The attorney does represent the Board, the City, or the County, is there to provide expertise if called upon, and would be appointed by each governing body on a rotating schedule every three years. None of the Board members shall hold any other public office or position in the City or County, except that two members may also be a member of the Planning Commission. Board members shall be removed for cause, upon written charges, and after public hearing. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest. The County recently appointed Attorney Paul Alvarado and the City recently appointed Nancy Hobby to serve on the Zoning Board as the eighth member. Approval of this amendment will bring the Zoning Board of Appeals into consistency with the appointment practices of the other joint boards. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of the text amendment (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Eunice, seconded by Councilman Sumner, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-27, for a Text Amendment to the Valdosta Zoning Ordinance expanding the size of the Zoning Board of Appeals to eight members and clarifying the selection of the joint attorney appointment as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-28, AN ORDINANCE FOR A SPECIAL EXCEPTION TO ESTABLISH OVERFLOW/ADDITIONAL PARKING FOR A CHURCH IN A MULTI-FAMILY RESIDENTIAL (R-6) ZONING DISTRICT

Consideration of an ordinance for a Special Exception to establish overflow/additional parking for a neighboring church in a Multi-Family Residential (R-6) zoning district as requested by Charles Williams (P. C. File No. VA-2007-32). The subject property is located at 511, 513, and 515 East Martin Luther King Drive. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of a Special Exception for the purposes of a Church parking lot (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception to establish overflow/additional parking for a neighboring church in a Multi-Family Residential (R-6) zoning district. The applicant is also requesting a release from paving requirements. The properties are currently vacant lots. The surrounding properties are primarily residential, and the property is located in a Neighborhood Activity Center which encourages a mixture of neighborhood-serving uses. The use of a parking lot in this area should have no negative impact on the implementation of the Martin Luther King, Jr. Corridor Plan. The site plan depicts the proposed parking lot area to be located on four existing narrow lots, and the applicant has indicated that they intend to erect a fence around the property. The site plan will need to be amended in order to meet requirements of maneuvering within the parking lot. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Neighborhood-Commercial (C-N) zoning (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

Councilman Vickers inquired as to whether the City Engineer would have input as to what the Church will need to do since they are requesting not to pave the parking lot. Anne-Marie Wolff stated that the City does have requirements for leaving a parking lot unpaved and the applicant will need to meet with the City Engineer before any permits are pulled or the site is used for parking. Councilman Vickers stated that even though the applicant would not have to meet the Tree and Landscape Ordinance since they are not paving the parking lot they do need to work on the property line.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-28, for a Special Exception to establish overflow/additional parking for a neighboring church in a Multi-Family Residential (R-6) zoning district as requested by Charles Williams, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-29, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone .07 acres from Multi-Family Residential (R-6) to Neighborhood-Commercial (C-N) as requested by Anthony Holiday (P. C. File No. VA-2007-34). The property is located at 124 West Street. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Neighborhood-Commercial (C-N) zoning for the purpose of a thrift shop (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .07 acres from Multi-Family Residential (R-6) to Neighborhood-Commercial (C-N) to establish a thrift store. The property is currently a vacant building and was formerly a non-conforming commercial use for several decades. The applicant would like to rezone the property in order to eliminate the non-conforming status and the need to appear before the Zoning Board of Appeals multiple times. The general character of the area is a mixture of residential and manufacturing uses, and the property is located within the Valdosta Historic District so any exterior changes would require approval from the Historic Preservation Commission. Neighborhood-Commercial zoning is appropriate for the proposed use and will keep higher intensity commercialization from occurring at this location. The applicant is aware that there will be buffer requirements as well as a Certificate of Appropriateness for any exterior changes. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Neighborhood-Commercial (C-N) zoning for the purpose of a thrift shop (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission to enact Ordinance No. 2007-29, to rezone .07 acres from Multi-Family Residential (R-6) to Neighborhood-Commercial (C-N) as requested by Anthony Holiday, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-30, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone 1.15 acres from Community-Commercial (C-C) to Residential-Professional (R-P) as requested by James Dewar (P. C. File No. VA-2007-35). The property is located at 802 and 804 East Park Avenue. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Residential-Professional (R-P) zoning for the purpose of demolishing existing homes and building apartments (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 1.15 acres from Community Commercial (C-C) to Residential Professional (R-P). The properties currently contain

two site built houses and was rezoned to C-C zoning in March, 2006 in order to increase the marketability of the property. The owner would now like to downzone the property to R-P in order to remove the house and construct a 14 unit multi-family development. The general character of the area is residential with an increasing number of light retail/commercial uses. The proposed site plan depicts a mixture of one bedroom and two bedroom units with a landscaped area in the back. The applicant would need to add a buffer along the northern portion where it abuts a single-family residential property. The property is located in a Neighborhood Activity Center Character Area which encourages a variety of housing types. The property would be managed by Dewar Properties who also manage Castlewood Apartments. Staff found the request consistent with the Comprehensive Plan and recommended approval of R-P zoning. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Residential-Professional (R-P) zoning for the purpose of demolishing existing homes and building apartments (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Head, seconded by Councilman Sumner, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-30, to rezone 1.15 acres from Community-Commercial (C-C) to Residential-Professional (R-P) as requested by James Dewar, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-31, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone 1.03 acres from Multi-Family Residential (R-6) to Office-Professional (O-P) as requested by Gloria Boyette (P. C. File No. VA-2007-36). The property which consists of three parcels is located at 107 and 109 West Ann Street and 1111 North Toombs Street. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Office-Professional (O-P) zoning and also encouraged the applicant to seek other means of ingress/egress to the alley because of the residential properties that abut the alley (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 1.03 acres from Multi-Family Residential (R-6) to Office-Professional (O-P). The properties currently contain site built houses which the applicant proposes to use for offices and combine the lots into one parcel in order to utilize shared parking. The general character of the area is primarily residential although there are some Valdosta State University related uses to the north and east and office-professional uses to the east. The site plan is conceptual and was completed to show that the applicant can meet the required number of parking spaces. There is currently no revised site plan due to the completion of the parking layout by the surveyor. The revised site plan may be challenging as the applicant would like to conserve as many trees on the property as possible. The applicant is aware that the parking should not go out into the alley in order to accommodate the neighbors' requests. The property is located in a Transitional Neighborhood Activity Center on the Future Development Map and the use of O-P zoning would be a good buffer between the existing Community-Commercial (C-C) zoning on Patterson Street and the existing residences to the west of the property. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Office-Professional (O-P) zoning and also encouraged the applicant to seek other means of ingress/egress to the alley because of the residential properties that abut the alley (8-0 vote).

Gloria Boyette spoke in favor of the request. Ms. Boyette stated that she moved back to Valdosta 30 years ago in order to restore the Fender House which is adjacent to these properties. Ms. Boyette lived in that house, which is zoned Commercial, for 27 years. She had students and offices for neighbors and she loved the offices. Ms. Boyette stated that it is very difficult to maintain the older homes as she would like to and the pressure to rent to students is very prevalent in that neighborhood. Ms. Boyette stated that she was not pleased with the way the parking was depicted on the site plan and does not want to be in a hurry to make changes to the parking because she would like to save all of the trees on that property. There is plenty of room on that property for parking and it is a matter of coming up with the right design to please her and the integrity of the property and not create a hazard to the residence that abuts the alley. Ms. Boyette asked Council's consideration in approving the request. Mayor

Fretti inquired as to whether the applicant would agree to other means of ingress/egress. Ms. Boyette stated that she would be open to anything that is feasible and would enhance the property. To say that there would be no egress onto the alley seems absurd since all of the clients for Mike Bennett, who is a neighbor, enter from Patterson Street and proceed to the alley. Councilman Head inquired about the traffic in the alley. Ms. Boyette stated that there are really no residential properties but there is a residence where she lived for 27 years and also a person who lives next door to the Victorian house on Ann Street who uses the alley and the street. The other properties are businesses. Councilman Vickers stated that Council had previously been highly criticized for paving that alley in order for it to be used for businesses on Patterson Street so customers could use it.

No one spoke in opposition to the request.

A MOTION by Councilman Eunice, seconded by Councilman Head, was unanimously adopted (7-0) to enact Ordinance No. 2007-31, to rezone 1.03 acres from Multi-Family Residential (R-6) to Office-Professional (O-P) as requested by Gloria Boyette, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-32, AN ORDINANCE FOR A SPECIAL EXCEPTION TO ESTABLISH A FAMILY PERSONAL CARE HOME FOR UP TO SIX INDIVIDUALS IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT

Consideration of an ordinance for a Special Exception to establish a Family Personal Care Home for up to six individuals in a Residential-Professional (R-P) zoning district as requested by Lawanda Mobley (P. C. File No. VA-2007-37). The property is located at 118 East North Street. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to establish a Family Personal Care Home for up to six individuals in a Residential Professional (R-P) zoning district. The property currently contains a site built house and is located in a Transitional Neighborhood with a mixture of residential and office-professional uses. The proposed Personal Care Home for no more than six individuals should not have a negative impact on the surrounding properties. Although not stated on the site plan, the applicant is proposing to park along the Slater Street side of the property which will need to be approved by the City Engineer. The R-P zoning allows for a mixture of residential and professional uses and Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of a Special Exception for a Family Personal Care home (8-0 vote). Councilman Eunice inquired about the parking along Slater Street. Anne-Marie Wolff stated that this is the portion of the property that has the most land available and the applicant would only need four parking spaces to meet the ordinance requirements. On-street parking is limited in the area.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission to enact Ordinance No. 2007-32, for a Special Exception to establish a Family Personal Care Home for up to six individuals in a Residential-Professional (R-P) zoning district as requested by Lawanda Mobley, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-33, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone three parcels consisting of .7 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) as requested by Jimmy Cone (P. C. File No. VA-2007-38). The properties are located at the southwest corner of River Street and Springhill Street. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval (6-2 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone three parcels consisting of .7 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6). The

properties are located at the southwest corner of River Street and Springhill Street and include 1403 River Street. The property currently has a site built house along with two vacant adjoining lots and the applicant is requesting to rezone the parcels in order to construct a duplex or a 6-unit apartment complex. The surrounding properties are either undeveloped or Single-Family Residential. The property is located within a Transitional Neighborhood Character Area so it is expected that there would be some transition between the Single-Family Residential uses; however, that transition has not yet occurred west of Springhill Street and that is the reason that Staff recommended denial because a precedence had not yet been set. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of Multi-Family Residential (R-6) zoning (6-2 vote). If Council does not have any issues with duplexes or apartments occurring along River Street, then that would give Staff some guidance for any future similar requests in this area.

Jimmy Cone, 1806 Plum Street, spoke in favor of the request. Mr. Cone stated that in the original request they had indicated that the site built house would be removed and they would put up six, two-story apartment units; however, they are not going to do that now. The house will stay and they are now planning to build either a duplex or a triplex on the site, but most likely it would be a duplex. Councilman Vickers inquired as to the number of units in the duplex. Mr. Cone stated that the duplex would be two units and the house would stay on its own site. Councilman Vickers stated that he was concerned about the back door of the duplex unit being so close to the house. Mr. Cone stated that it would be next to the house because of the setbacks.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission to enact Ordinance No. 2007-33, to rezone three parcels consisting of .7 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) as requested by Jimmy Cone, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-34, AN ORDINANCE FOR A SPECIAL EXCEPTION FOR THE ESTABLISHMENT OF A TELECOMMUNICATIONS TOWER IN AN ENVIRONMENTAL-RESOURCE (E-R) ZONING DISTRICT

Consideration of an ordinance for a Special Exception for the establishment of a telecommunications tower in an Environmental-Resource (E-R) zoning district as requested by James McNicol (P. C. File No. VA-2007-39). The property is located in Sunset Cemetery on the Sustella Avenue side where the maintenance area is currently situated. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception for the establishment of a telecommunications tower in an Environmental-Resource (E-R) zoning district. The stealth telecommunication tower would be constructed in such a manner as to appear similar to a tall pine tree which would help to mitigate some of the visual impact of the tower. The property is located in an Institutional Activity Center and calls for uses which support the primary institutional use which, in this case, is Valdosta State University. The tower should not have any adverse impacts on the surrounding neighborhood. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended approval of a Special Exception to install a telecommunications tower (8-0 vote). Anne-Marie Wolff stated that in reviewing the new Land Development regulations, they will be looking at Jacksonville, Florida because they have a stealth tower ordinance which requires all telecommunication towers to be a stealth tower.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Eunice, seconded by Councilman Vickers, was unanimously adopted (7-0) to follow the recommendation of Staff to enact Ordinance No. 2007-34, for the establishment of a telecommunications tower in an Environmental-Resource (E-R) zoning district as requested by James McNicol, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-35, AN ORDINANCE FOR REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES INCURRED BY MEMBERS OF COUNCIL

Consideration of an ordinance for reimbursement of actual and necessary expenses incurred by members of Mayor and Council (Second Reading).

Larry Hanson, City Manager, stated that this is the second and final reading of the proposed ordinance. Councilman Head had previously noted that the word "Mayor" would need to be deleted from the preamble of the ordinance. Larry Hanson recommended that the date of implementation be July 1, 2007 in order to cover any expenses in July. Councilman Vickers stated that this ordinance is to reimburse Council members for local expenses and suggested that the ordinance may need to state that it is for local expenses. Larry Hanson stated that this would be implied because Council already has a travel policy and there are certain events that you are allowed to travel to that are covered by the ordinance. For any other travel, Council members are required to get the permission of Council. Councilman Vickers stated that he thought it might need to be stated for clarification purposes but if Council was satisfied with the wording that was fine with him. Larry Hanson stated that if you add the word "local" then it would need to be defined.

A MOTION was made by Councilman Vickers for reimbursement of up to \$50 per month for actual and necessary expenses incurred by members of Council effective July 1, 2007. Councilman Head seconded the motion. The motion was adopted (5-2) with Councilman Sumner and Councilman Payton voting in opposition to enact Ordinance No. 2007-35, the complete text of which will be found in Ordinance Book XI.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve a contract with the recommended vendor for revisions to the City's website.

Steve Carter, Information Technology Manager, stated that the Website Committee went through an extensive evaluation process and has selected Vision Internet as the recommended vendor. Vision Internet is proven as a government website developer and has won several prestigious awards. Steve Carter asked Council's consideration in approving the recommended vendor, Vision Internet, and the amount of \$47,405 for the upgrade and development of the Valdosta City website. Mayor Fretti inquired about the amount of \$2,400 that Vision Internet would charge for hosting the website because it is not included in \$47,405. Steve Carter stated that once a website is developed, the hosting cost is the amount charged per year for them to maintain the website on their server and giving the public access to the website. This will be a recurring cost and is not part of the development cost. Councilman Yost inquired as to how long it would take the recommended vendor to revise the website and why the vendor recommended the cost of development to be spread out over two or three budget years. Steve Carter stated that the vendor made the offer to spread out the cost over several years to help relieve any budgetary restraints. A timeline for redevelopment of the website has already been established and it will remain the same no matter what vendor is selected. The initial start date would be mid-July and they hope to have it unveiled on October 9, 2007. Larry Hanson, City Manager, stated that funds are available in this budget year.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (7-0) to approve a contract with Vision Internet in the amount of \$47,405 for revisions to the City's website.

Consideration of a request to approve the recently acquired property on Gornto Road as a voting precinct and to submit it to the U. S. Justice Department for approval.

Mark Barber, Finance Director, stated that in the 2005 Municipal Election, several precincts had to be consolidated and changed. One of the polling places had to be moved from the YMCA to the Conference Center which took a lot of people a good distance out of their district to vote. With the purchase of the property at 1907 Gornto Road, it will put the polling place back in a good location. Preliminary numbers for affected residents for the polling place are 1,600-1,700. Larry Hanson, City Manager, stated that this will have to be submitted to the Justice Department which could take 60-90 days for review but was hopeful that it will be approved in time for the SPLOST referendum in September, and if not, it should be approved for the General Election in November. Mark Barber stated that this precinct would be used for any election.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the recently acquired property on Gornto Road as a voting precinct and to submit it to the U. S. Justice Department for approval.

Consideration of an extension to the Service Delivery Agreement to be submitted to the Georgia Department of Community Affairs.

Larry Hanson, City Manager, stated that the County has sent a proposal to extend the Service Delivery Agreement and the primary change is the funding of the Industrial Authority. The County has requested that the City authorize a change to allow the Industrial Authority to be funded out of Countywide millage and that the City agree to a new Intergovernmental Agreement on distribution of the Hotel/Motel Tax to include the Airport, the Conference Center and Tourism Authority, and the Arts Center. The Hotel/Motel Tax had previously funded the Industrial Authority but not the Arts Center. This would assist the City in that the Arts Center would no longer be funded out of the General Fund Budget, which is \$35,000, and the City would no longer have a subsidy of the other Authorities out of the General Fund. The County has requested that Council approve the Service Delivery Agreement and extend the other services that are still under negotiation/arbitration until June 30, 2008. Larry Hanson stated that Council had previously voted to leave the four issues that are under arbitration the same as they presently are until 2008. Councilman Vickers inquired as to whether Council has voted on that. Larry Hanson stated that Council did vote at the June 21, 2007 Council meeting and if Council wanted to approve this Agreement, it would be necessary to rescind the previous vote or to substitute this action for the previous action. Mayor Fretti stated that to rescind the previous vote it would take a super majority because it is within the six-month period. Councilman Eunice inquired as to whether we have heard back from the County on any of the City's proposals. Larry Hanson stated that he contacted Joe Pritchard, County Manager, and told him that the City's proposal had been presented to Council in the Work Session and it would be put into a formal request for Council's approval. Councilman Eunice stated that Council may need to postpone this until the next Council meeting. Larry Hanson stated that the City's proposal goes much further than just addressing the Industrial Authority. It would address all of the issues under arbitration and resolve all of the issues under arbitration thus making arbitration unnecessary. Councilman Sumner inquired as to the length of the Agreement. Larry Hanson stated that it was for one year. Councilman Sumner stated that it really does not affect House Bill 489 and is just an extension for one year or for whenever they get to the point of resolution. Larry Hanson stated that it does affect House Bill 489 in that it is the Agreement to be submitted to the Georgia Department of Community Affairs (DCA) and while it does state one year, it is clear that the other issues could be limited to one year but the Industrial Authority would be more difficult.

Mayor Fretti stated that last Thursday, they were invited to the County Administration building for a SPLOST discussion. After the discussion, Larry Hanson made a presentation on House Bill 489 and offered a solution which provided a diplomatic answer to all four issues which include Authority funding, Parks and Recreation, water and sewer, and road maintenance. Mayor Fretti stated that he would like to hear a response from the County rather than just deal with one Authority funding because this could be a win-win situation for everyone. A postponement could allow the County time to reply to the City. Larry Hanson stated that for clarification, the County has no funds in their adopted budget for the Industrial Authority so this is really not an issue until the millage rate is set. The millage rate is not set until the Tax Assessors complete the digest and present it to the City and County, and all other governments and the City sets and adopts a millage rate in a public meeting. Until that work is completed, there is no harm for the County for not taking action on this tonight because this will not be finalized until the millage rate is set. This would be an additional millage on the new tax mill once rates are set that would go directly to the Industrial Authority.

A **MOTION** by Councilman Eunice, seconded by Councilman Vickers, was unanimously adopted (7-0) to postpone the request to approve the Intergovernmental Agreement as submitted by Lowndes County for two weeks and to encourage the Lowndes County Board of Commissioners to reply quickly and in a positive, good faith manner to the most recent proposal on House Bill 489 in hopes to settle the remaining four issues and prevent any Court-ordered arbitration.

Councilman Yost stated that the current Interim Director of Parks and Recreation has been serving in that capacity for approximately one year and if Council extends the Agreement for at least another year, the Interim

Director would continue to lead that department. It is time for the City Manager to proceed in hiring a new Director of Parks and Recreation as soon as possible with or without the County's permission. Larry Hanson, City Manager, stated that he did not think that would be possible. It was agreed to extend the funding until June 30, 2008 and it does not preclude arbitration or some other settlement of these matters. The present Agreement made in 1999 states that the Parks and Recreation Director will be hired jointly by the City Manager and County Manager and that is the Agreement that we are still operating under. The City would need the County's concurrence just as we need their concurrence to change the Agreement. Councilman Yost suggested that the City Manager should make a recommendation to the County as soon as possible to have a full time Director in that position as soon as possible. Eric Hahn has done a great job in managing the Parks and Recreation Department but it has been long enough without a Director running the Department. Councilman Head stated that he agreed in that they need to move forward with that but he would hate for Council to do anything that might disturb the Agreement that the City and County are working toward at the present time. He would like to see Council wait as opposed to moving forward on hiring a new Director at the current time.

Consideration of an intergovernmental agreement for SPLOST VI and/or a menu of projects for inclusion on the SPLOST VI referendum.

Larry Hanson, City Manager, stated that the issue that Council is dealing is the funding of SPLOST VI. Of the \$183,500,000, the County is now trying to make a decision to keep \$120,000,000. Under that proposal, the City would be left with approximately \$60,000,000. In order for the City to be eligible for funding, projects must be in general categories listed on a ballot. The County had sent a ballot last Friday and asked that the City respond by noon on Monday. That was not possible because neither the Council nor the City Manager had an opportunity to review it. Larry Hanson stated that he made some corrections to it to address several things that had been left out and he tried to incorporate into the ballot all of the projects that Council had considered so that in the event there is a change of heart and a more equal distribution of the SPLOST tax, then all of the projects Council has considered would be eligible. The public would certainly understand that if the City only collects \$60,000,000 then they could not do all the projects that are listed on the ballot and it would have to be shortened based on the actual collections. This would preserve Council's right to undertake all of the projects in broad categories that have been discussed. Councilman Vickers inquired as to what would happen once a final resolution is reached. Larry Hanson stated that Council could then pick and choose projects based upon the final resolution of funding and prioritize those projects. Mayor Fretti stated that he and Larry Hanson would carry the message to the County as quickly as possible as to how important it is to Council that negotiations continue on the distribution of SPLOST funds in an equitable and fair manner. If it is not perceived this way by Council members, then Mayor Fretti would carry Council's thoughts from the Work Session which were directed toward Council's support of the SPLOST individually or not. Councilman Yost stated that he appreciated everyone who has worked hard to pass each SPLOST, especially Jerome Tucker; however, in meeting with the County Manager, County Finance Director, and the County Commission Chairman, he thought that they were not there to negotiate but to dictate to the City what we would be doing whether we liked it or not and that they would be presenting a ballot initiative on SPLOST that would benefit their projects, especially their two projects at the top. Councilman Yost stated that he was not against the jail but was not sure if it was worth \$40,000,000. He was not against them working on the judicial complex but the County has obligated themselves to that money and they are obligating the citizens of every City to pay for those items whether they want them or not. Councilman Yost stated that the County is interested in possibly hearing from the City one more time and asked that the Mayor and the City Manager go back to the County to see if they are willing to move.

A MOTION was made by Councilman Yost for Council to allow the Mayor and the City Manager to go back and talk with the County one more time and negotiate on Council's behalf and the citizens of all the Cities within this County for an equitable distribution of SPLOST VI. Councilman Eunice seconded the motion. Councilman Head stated that the Mayor and the City Manager has already done that in that the City presented a proposal back to the County and we are waiting to hear from the City. Councilman Yost stated that was for House Bill 489 and the County has already said no to the City's last proposal. Mayor Fretti stated that after they were asked to leave the County Administration Building, they asked the County if they could present a proposal for House Bill 489. The County allowed the presentation and the City stated that all the issues could be wrapped up together instead of individually because when you take one issue at a time there is always a perceived winner and loser. Mayor Fretti asked the City Manager if there should be any ballot verbiage included in the motion. Larry

Hanson stated that there should be ballot verbiage included in the motion. Council does need to approve the language on the ballot which preserves the City's rights regardless of the City's final amount of funding. Councilman Sumner asked for a point of clarification. Councilman Sumner inquired as to whether discussions are technically finished once Council votes on the Intergovernmental Agreement. Larry Hanson stated that the County has chosen not to utilize an Intergovernmental Agreement and they are going with a Level 1 project which means there will be no Intergovernmental Agreement. The County will take whatever amount they so chose for the Level 1 project and whatever is remaining will be divided among the Cities based on population. The only thing Council is approving is the project categories for the ballot. Councilman Sumner stated that the request is for consideration of an Intergovernmental Agreement. Larry Hanson stated that is says "and/or" because at the time the Council packets were being prepared, he was hopeful that he would be bringing an Intergovernmental Agreement to Council but what is being brought now is a menu of projects for inclusion on the SPLOST VI referendum. The agenda was prepared prior to the final meeting with the County where they stated they were not going to do an Intergovernmental Agreement. Councilman Sumner inquired as to what the process would be if Council voted tonight to approve it. Mayor Fretti stated that the motion currently on the floor is to send a renegotiation team back for SPLOST VI and in the manner that Councilman Yost stated. Larry Hanson has asked that Councilman Yost append to the motion or make an amendment from the floor to include the ballot verbiage so that every project that has been discussed by Council can be included in the ballot measure.

AN AMENDED MOTION was made by Councilman Yost to also include approval of the current ballot language as presented by the City Manager. Councilman Eunice seconded the amended motion. Councilman Sumner asked for a point of clarification. Councilman Sumner inquired as to whether this ballot language is the language that will appear on the SPLOST VI referendum. Larry Hanson stated that was correct. Councilman Sumner inquired as to whether we would be misleading the public if they think that they are going to get a \$5,000,000 soccer facility and we know that based on what was shown to Council that there is a great probability that it will not happen because we know what the dollar amount is at this point and the City will not have the funds. Larry Hanson stated that there is a provision in the law that says that if collections do not support the list of projects and you cannot afford to build facilities for which there is not funding then you would have to inform the public as to what the highest priority projects would be and if sufficient funding were available, then these would be the projects that would be funded. Councilman Head stated that for the referendum, specific projects are not being identified at this time. Mayor Fretti stated that was correct. Larry Hanson stated that there are two or three specific projects such as a Municipal Auditorium. It is on the list and if we only get \$60,000,000 then there would be no way to dedicate funds for that. The other projects that would be questionable are the Airport Authority funding and the Hospital Authority funding. If the City only has \$60,000,000 and cannot take care of the needs that Council has identified for the City, then it would be difficult to justify funding for outside agencies. Councilman Head inquired as to whether there was a broad category that the Authority funding could be placed under so that Council would not be specifically identifying projects. Mayor Fretti stated that it would be remiss of Council not to include projects that were identified at the Mayor/Council Retreat and by Staff that we would hope to be able to fund either through negotiations one more time with the County or if our economy were to grow so much that there were excess funds that could be directed toward some of the special projects. Councilman Head inquired as to whether this had to be approved tonight. Larry Hanson stated that was correct and that the County has insisted that they get the ballot language because the Superintendent of Elections needs the information by a certain date to get the ballots printed and then they have to advertise for 60 days. Larry Hanson stated the Municipal Auditorium could be placed into Parks and Recreation but you cannot do that with the two Authorities because the law is very clear that if you are funding an Authority it has to be stated as such. Councilman Sumner stated that he was concerned about the wording for construction and major capital equipment for new a Municipal Auditorium, construction of a parking facility be owned and operated by the Hospital Authority, and another major project that people would be very much in favor of and that would have a great influence on their decision to support SPLOST. Councilman Sumner stated that he did not feel comfortable with the verbiage and would like to come back in a few days. Larry Hanson stated that he was comfortable about working the Municipal Auditorium into Parks and Recreation category and it would be legal but the Authorities will have to stand on their own in order to be legally funded. Councilman Yost asked for clarification on the timeline that the County has indicated. Larry Hanson stated that they have 60 days of notification because the ballot has to be submitted to the Justice Department just as the City does on the precinct and then it has to be advertised for 60 days. Councilman Yost inquired as to whether the law states the vote has to occur within a certain period of time. Larry Hanson stated that there are four dates during the year that a SPLOST referendum can be held and two have already passed. The problem with the last date is that the

time line cannot be met to prevent the present SPLOST from expiring. It could not take effect on January 1 and the September date will allow the SPLOST to continue uninterrupted. The final date would not allow it to continue uninterrupted. Councilman Yost stated that the City can either go with what the County says or hope that the Mayor and City Manager can renegotiate something more equitable tomorrow that would benefit the citizens of all the Cities. Larry Hanson stated that if any of the projects are removed then you could not legally fund them. Councilman Sumner stated that he was in favor of the projects but was not in favor of something being on the ballot that the City does not have the proper funding for and that the City knows right now that they do not have the funding. Councilman Head stated that the City had presented the County with a proposal for \$76,000,000 and we are waiting on a response back from the County on that. Larry Hanson stated that we are waiting on a response on the House Bill 489 issue. The County has taken a final action on the SPLOST issue at a called meeting on Monday to allocate the money based on Level 1 projects and a population distribution for the remaining funds. Unless they rescind that action in a public meeting, then the City will have \$60,000,000. Mayor Fretti stated that at the Work Session, five Councilmen indicated that they would not be in favor of this distribution of SPLOST and they would not support the SPLOST and would encourage people to vote against it. Councilman Yost stated that if Council does not approve the language in the motion then it will be left exactly as what the County has said; however, if the motion is approved, the City has one last opportunity to negotiate again in good faith and put in all the items that are on the project list. Councilman Yost stated that if there is an opportunity to get all the projects on the list and negotiate for more money for the Cities, then he felt obligated to do that; however, he would be the first one campaigning against the SPLOST if the County maintains the level of funding that they have presently indicated. Councilman Vickers stated that he would also campaign against SPLOST. Larry Hanson stated that the only time the public will see the ballot is on Election Day when they go to vote. The communication tool for SPLOST is the packet of information put together once the project list is finalized and on the ballot. Councilman Head stated that he did not want to put anything on the referendum that the City could not stand behind. Larry Hanson stated that depending on what happens with the County, they could either leave it in or take it out if there is a possibility it would be reconsidered. Councilman Vickers inquired as to whether the motion could be amended and let the City Attorney research it to see if the projects can be left out. Attorney Tim Tanner stated that Council would run the risk that if the project is taken out now then it could not be added back in later and suggested that it be included from the beginning and then taken out later if needed. Councilman Sumner stated that if the Mayor and City Manager are going to negotiate with the County, they should draw the line and state that this is the end of negotiations and the ballot needs to be proper and correct. Councilman Head inquired about the Authorities and the amount allocated for funding. Larry Hanson stated that there was no amount mentioned. Councilman Payton called for the question. The motion was adopted 5-1-1 with Councilman Sumner voting in opposition and Councilman Head abstaining.

Councilman Vickers stated that he understood the importance of SPLOST and what it has done for the community and he has worked toward the passage of SPLOST since the first one. Hopefully, the issue will be resolved fairly for all of the Cities but he could not support SPLOST in the present form. Councilman Vickers stated that the City of Valdosta and the other Cities need to let the County Commission know how they feel. We need to use the City Beat to inform the citizens of the City's position on this issue.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Group Workcamp was very successful with 47 homes renovated. There will be a presentation at the next Council meeting.

The trip to Washington, D.C. is scheduled for Monday, July 9, 2007 and several meetings have been arranged with General Moseley and Senators and Congressmen. There are several earmark requests that could actually be debated while they are in Washington. Mayor Fretti stated that Mayor Pro Tem Head will be attending in his place and will be briefed on all of the earmarks and CBAT.

COUNCIL COMMENTS

There were no Council comments.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Eunice, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the July 5, 2007 meeting of the Valdosta City Council at 7:25 p.m. to meet again in regular session on Thursday, July 19, 2007.

City Clerk, City of Valdosta

Mayor, City of Valdosta