

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JULY 7, 2011
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

Mayor Pro Tem Alvin Payton, Jr. called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Ben Norton, Deidra White, Robert Yost and James Wright. Mayor John Fretti and City Attorney George Talley were absent. Tim Tanner, Attorney with Coleman-Talley, LLP, filled in for the City Attorney. The invocation was given by retired Pastor George Bennett, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

Mayor Pro Tem Payton entertained a motion for Awards and Presentations.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) for the July Awards and Presentations.

PRESENTATION OF THE JULY, 2011 EMPLOYEE OF THE MONTH AWARD

Mayor Pro Tem Payton presented the July, 2011 Employee of the Month Award (Emily Davenport, Utilities Department).

Emily Davenport began her career with the City of Valdosta in June, 2007 as Stormwater Superintendent in the City's newly created Stormwater Division. In this position, she is responsible for planning and directing all activities of the Division including direct supervision of all personnel. Ms. Davenport is also a member of the City's First Step and Plan Review Team which assists development projects doing business in Valdosta through various required stages. She has been very effective in her efforts to streamline the plan review process in order to communicate more effectively with those seeking to submit plans for review. To achieve this, Ms. Davenport developed a website which simulates the creation of a business. The site shows an applicant everything from how to schedule a First Step review, how to submit plans and get a business license all the way to obtaining a Certificate of Occupancy. She also helped develop a packet for customers that contain plan review information along with contact numbers to support the process. Apple co-founder Steve Jobs once stated, "Innovation distinguishes between a leader and a follower." Ms. Davenport's creativity in putting together the website and supporting information has shown leadership and helped make doing business with the City of Valdosta easier for all concerned. For these reasons and many others, the Employee Relations Committee nominated Emily Davenport as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the June 23, 2011 Regular Meeting were approved by unanimous consent (6-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2011-24, AN ORDINANCE FOR TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Appendix J as requested by the City of Valdosta (File No. VA-2011-15). The Planning Commission reviewed this request at their June regular meeting and recommended approval (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is proposing to amend Appendix J of the City's Land Development Regulations (LDR). The Appendix contains provisions for the local administration and enforcement of the International Building Code. A few months ago, Staff had proposed similar

amendments but these were withdrawn before reaching the final public hearing. The proposed Text Amendments have now been revised with input from the development community and the City Attorney's office to add some needed clarity to the existing language, as well as better define the penalties and procedures for violations of the permitting process. Staff reviewed this with the Home Builders Association and the Chamber's SORT Committee and revisions were made. Since the Work Session on Tuesday, there have been a few additional changes in the formatting and some of the language in the latter part of the Text Amendment. The changes include the following: (1) In the Definition Section, a definition was added for a repeat offender which is defined as someone who commits a violation more than twice during a 12-month period. (2) In the Permits Section, there were a lot of formatting changes in renumbering the paragraphs into a more standard Ordinance format. (3) In the Inspections Section, there were some provisions about required inspections and if inspections are not obtained when they are required to be then there is penalty for that and it is also referenced to the Penalty Section. (4) In the Violations and Penalties Section, this is where the bulk of the changes have occurred and it is a graduated scale for the offenses. Staff felt that they needed to stiffen some of the requirements to further encourage people to comply with the permitting process. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their June 27, 2011 meeting, found it consistent with the Comprehensive Plan, and recommended approval (9-0 vote).

Bill Slaughter, 6926 Simpson Road, Hahira, spoke in favor of the request. Mr. Slaughter stated that he has a business located at 405 St. Augustine Road in Valdosta and he is in support of the Text Amendments. This has been discussed in the trades and in the construction industry for quite a while and through hard work and a lot of due diligence they have come up with a fine plan that needs to be put in place.

Chance Black, 3916 Boring Pond Road, stated that he is a contractor in Valdosta and he thanked Council for their consideration of the Text Amendments. He has spoken with several other contractors and individuals in other trades and they are all in agreement that they need these changes in order to assist them in making the community a better place for the contractors to work and to eliminate all of the unnecessary individuals who are doing work and are not qualified.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (6-0) to enact Ordinance No. 2011-24, an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Appendix J as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

AN ORDINANCE TO AUTHORIZE A REFERENDUM AS PART OF THE NOVEMBER 8, 2011 GENERAL ELECTION FOR SUNDAY ALCOHOL SALES BY RETAILERS (FIRST READING)

Consideration of an Ordinance to authorize a Referendum as part of the November 8, 2011 General Election asking voters to decide whether package sales of malt beverages, wine, and distilled spirits should be allowed by retailers on Sundays between 12:30 p.m. and 11:30 p.m. (First Reading)

Attorney Tim Tanner, Coleman-Talley, LLP, stated that Governor Nathan Deal signed into law Senate Bill 10 by on April 28, 2011 which amends O.C.G.A. §3-3-7 to allow a municipal government to pass a Resolution calling for a Referendum to permit package sales of alcoholic beverages to occur on Sunday between the hours of 12:30 p.m. and 11:30 p.m. Council must pass a Resolution or Ordinance specifying the hours in which package sales will be allowed. The Ordinance will not be in effect until the Referendum is passed by the majority of the electorate, and there are two things that have to be in the Ordinance. The first item involves the hours that the package sales will occur. State law indicates the time from 12:30 p.m. to 11:30 p.m. but Council can make that more restrictive if they so desire. The second item is when the Ordinance will go into effect if it is passed by the majority of the people. The following cities are in the process of preparing a Resolution or Ordinance or have already passed one: Woodstock, Dacula, Chamblee, Savannah, Thunderbolt, Tybee Island, Pooler, Port Wentworth, Fayetteville, Dunwoody, Lilburn, Covington, Peachtree City, Fort Oglethorpe, and Gainesville. Tim

Tanner stated that this was the First Reading and no action was required. Councilman Vickers inquired as to whether they would have to have a special license or fees. Tim Tanner stated that is nothing in the Ordinance that would require a special license.

RESOLUTION NO. 2011-13, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE TO FUND IMPROVEMENTS TO LAW ENFORCEMENT CAPABILITIES

Consideration of a Resolution authorizing the filing of an application with the Department of Justice Bureau of Justice Assistance to fund improvements to Law Enforcement capabilities of both the Valdosta Police Department and the Lowndes County Sheriff's Office.

Police Chief Frank Simons stated that the City has received funding under the Edward Byrne Justice Assistance Grant (JAG) Program in 2005, 2006, 2007, 2008, 2009, and 2010. Since a disparate situation exists between the City of Valdosta and Lowndes County, the grants were joint projects where both law enforcement agencies teamed together to request Federal grant funds to improve law enforcement services in the City of Valdosta and the Lowndes County area. In 2005 and 2006, the funding was awarded as a lump sum amount which the City and the County agreed to split to help fund each entities' grant program purposes that fell into one of six areas: (1) law enforcement programs, (2) prosecution and court programs, (3) prevention and education programs, (4) corrections and community corrections programs, (5) drug treatment and enforcement programs, and (6) planning, evaluation, and technology improvement programs. In 2007 and 2009, the City and the County were each awarded allocations for use in one of seven program purpose areas with crime victims and witness programs (other than compensation) being added to the program purpose areas. The funding in 2008 was so low that the County did not request any of the funding allocation. The 2005, 2006, 2007, and 2008 grants are complete and have been programmatically and financially closed out. The County has completed their portion of the 2009 and the 2010 awards and the City is nearing their completion of their program. For the 2011 grant program, the JAG allocation determined for the City is \$13,685 and the funding for the County is \$13,685. Since a disparate situation exists with Lowndes County, an agreement must be reached on the allocation of funding between entities. Both the City and the County will use their funding for one of the seven program purpose areas. A Memorandum of Understanding (MOU) will be executed with the County stating that they agree to the division of the allocations this year. The City will file the application for the entire award amount of \$27,370 and act as the fiscal agent for the funding. No match is required for the grant. Chief Simons recommended that Council approve the Resolution authorizing the filing of an application with the Department of Justice Bureau of Justice Assistance to fund improvements to Law Enforcement capabilities of both the Valdosta Police Department and the Lowndes County Sheriff's Office.

A MOTION by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Resolution No. 2011-13, a Resolution authorizing the filing of an application with the Department of Justice Bureau of Justice Assistance to fund improvements to Law Enforcement capabilities of both the Valdosta Police Department and the Lowndes County Sheriff's Office, the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2011-14, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE, DUREAU OF JUSTICE ASSISTANCE, TO FUND THE PURCHASE OF BULLET PROOF VESTS

Consideration of a Resolution authorizing the filing of an application with the U. S. Department of Justice, Bureau of Justice Assistance, to fund the purchase of bullet proof vests for the Police Department.

Police Chief Frank Simons stated that the Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice Initiative designed to provide a critical resource to state and local law enforcement. The City has received funding from this program for the past ten years to help purchase vests for the Police Department. This program has allowed the City to receive partial reimbursement for eligible vests purchases. Funding that the City has received over the past several years has allowed for the purchase of vests that fill needs within the Police Department. Funding amounts are determined by

the Department of Justice in order to meet increasing demands and to allow as many jurisdictions as possible the opportunity to participate in the program. The City will be eligible for up to \$13,650 in grant funds. This is a reimbursement grant and the City will be eligible for 50% reimbursement on the purchase of eligible vests. The application must be submitted online by July 7, 2011. Chief Simons recommended that Council approve the Resolution authorizing the filing of an application with the Department of Justice, Bureau of Justice Assistance, to fund the purchase of bullet proof vests for the Police Department.

A MOTION by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Resolution No. 2011-14, a Resolution authorizing the filing of an application with the Department of Justice, Bureau of Justice Assistance, to fund the purchase of bullet proof vests for the Police Department, the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for the extension of water and sewer to annexed Island 69C1.

Pat Collins, City Engineer, stated that the City is working under a court mandate to provide both water and sewer services to annexed areas. The City Council approved contracts with three local engineers to design water and sewer improvements to serve the property in former unincorporated islands that were annexed into the City in 2006. It is important to note that Island Projects require extraordinary commitment and follow-through especially in regards to maintaining the project schedule and responding to calls for customer service. On June 9, 2011, the City opened bids for this project. The low bid submitted by a contractor in the amount of \$64,364.25 was rejected due to the contractor's past performance on City projects. The second low bid was received from Standard Contractors in the amount of \$65,739.40. Radney Plumbing submitted the third lowest bid in the amount of \$66,709.00. Both Standard Contractors and Radney Plumbing have performed exceptionally well on past City projects. Both are considered capable and reliable firms and are able to provide the extra customer care, commitment, and follow-through required for this project. The Engineering estimate was \$88,330.00. Pat Collins recommended that Council approve the qualified low bid from Standard Contractors in the amount of \$65,739.40 plus a 10% contingency.

A MOTION by Councilman Vickers, seconded by Councilman Wright, was unanimously adopted (6-0) to approve the qualified low bid submitted by Standard Contractors in the amount of \$65,739.40 plus a 10% contingency for the extension of water and sewer to annexed Island 69C1.

LOCAL FUNDING AND REQUESTS

Consideration of amendments to the Mayor and Council Travel Policy.

Councilman Ben Norton stated that Council discussed the amendments to the Mayor and Council Travel Policy at the Work Session and this has now been placed in the form of an Ordinance. Councilman Yost stated that he would like to recommend that the motion reflect the following changes: (1) Section XIV (which was formerly "O") to delete the words "City Manager", (2) Section XIV (which was formerly "O") to insert the words "may be" so that the sentence reads "and may be posted to the City's web site", (3) Section XV (which was formerly "P") to insert the words "may be" so that the sentence reads "and may be posted to the City's web site", and (4) Section XIX (which was formerly "T") to change the word "will" to "may." Mayor Pro Tem Payton inquired as to whether the Mayor's travel will only have the signature of one person and that being the Mayor Pro Tem. Council Yost stated that was correct unless someone had another suggestion. Councilman Vickers stated that it could be the Mayor Pro Tem and the Councilman At-Large. Larry Hanson stated that this is not for approval of the Mayor's travel and that it is for approval of someone he considers essential to the success of the trip to take with him. Councilman Yost stated that it could stay the way that he had read it and that Council could add someone else in place of the City Manager in order to have another signature. Councilman Vickers stated that he did think the City Manager should be struck. Councilwoman White stated that they could say the majority of Council if no one Council member wanted to do it. Councilman Norton stated that the intent was to have two people instead of the majority of Council because they cannot always convene if the Mayor needs to go somewhere before they meet next. Councilwoman White stated that she agreed that the City Manager should be struck because this is more in

their court than in administration and she would not want to see the Mayor Pro Tem being the only one saddled with that responsibility of being the decision maker. Councilman Yost asked if the Councilman At-Large would be willing to be the second person and then they could insert that also. Councilman Norton stated that he did not have a problem with that. Councilman Yost stated that they would delete the words "City Manager" in Section XIV and insert the words "Councilman At-Large."

A **MOTION** by Councilman Norton, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve amendments to the Mayor and Council Travel Policy.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of appointments to the Valdosta-Lowndes County Parks & Recreation Authority. The appointments were postponed by Mayor and Council at the May 5, 2011 regular Council Meeting and at the June 9, 2011 regular Council Meeting for 30 days in order to re-open the application process.

Larry Hanson, City Manager, stated that the Parks and Recreation Authority has two members, Dave Christian and Larry Tobey, whose terms will expire on June 30, 2011. Mr. Tobey's appointment is the rotating appointment which was first appointed by the County and is now the City's appointment. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. Dave Christian, David Vondersmith, and Sarah Denton have withdrawn their applications and the other applicants for consideration, in no order of preference, are as follows: (1) Kathy Brunot - Grants Administrator, City of Valdosta, (2) Suzan Griner Prince - Public Relations Manager, Prince Automotive Group, (3) Russell F. Mast, Vice President of Student Affairs and Dean of Students at Valdosta State University, and (4) Dan Deaver - Engineer, C. Terry Hunt Industries.

Mayor Pro Tem Payton asked for nominations for Position No. 1 previously held by Dave Christian. Councilman Yost placed in consideration the name of Russell F. Mast. There being no other nominations, Mayor Pro Tem Payton closed nominations. Russell F. Mast was appointed by acclamation to serve a term of three years on Valdosta-Lowndes County Parks & Recreation Authority.

Mayor Pro Tem Payton asked for nominations for Position No. 2 previously held by Larry Tobey. Councilman Carroll placed in consideration the name of Dan Deaver. There being no other nominations, Mayor Pro Tem Payton closed nominations. Dan Deaver was appointed by acclamation to serve a term of three years on Valdosta-Lowndes County Parks & Recreation Authority.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Southern Hospitality Group Workcamp was very successful and it has been a tremendous benefit to our community to have 370 young people from 12 states for a week helping to improve 37 homes. Through this program that has been in place since 2005, we have renovated approximately 240 homes in the City of Valdosta and almost all of this is through corporate donations and volunteer labor. The young people are not only volunteering their time but they actually have to pay to come here. This is a true partnership between the City, the Group Workcamp Foundation, the Valdosta City School System, and Lowe's. Many years ago the City set a goal to eliminate all substandard housing in the City by the year 2020. To accomplish that it has to be addressed in many ways and it is not just tearing down dilapidated homes each year because that is a vicious cycle. You could never accomplish your goal because each year more homes would fall into a dilapidated state. While we do eliminate approximately 50 homes per year through demolitions, the other tool that has to be done is to try to prevent homes from becoming substandard and that is what is great about programs like this. We are able to make repairs to homes that prevent that decline and bring the homes back up to a livable standard. This program is truly about people helping people and that is what our country was founded on and it is a real blessing to have them here. Larry Hanson acknowledged the work of the City Marshals, the Community Development Department, the Public Information Department, Richard Joyner, and Mara Register for all their efforts. There will be a presentation at the next Council Meeting and some of the homeowners will be there to share their comments.

The MLK Project is progressing and AT&T is set to mobilize the latter part of next week to relocate the lines. The road has been opened since July 1st as promised. Pat Collins, City Engineer, will notify all of the property owners as soon as he has an exact date.

COUNCIL COMMENTS

Councilwoman White stated that she would be remiss not to bring up what an honor it was to be in Savannah at the Georgia Municipal Association Convention and watch our City Manager, Larry Hanson, be honored with a Lifetime Achievement Award into the Georgia Municipal Association's Hall of Fame. Councilwoman White stated that they are all very proud of his accomplishments and to have Larry Hanson as our City Manager because he is probably one of the most, if not the most, respected City Managers in the entire State and that shows everywhere they travel. The City of Valdosta could not be in better hands and despite how difficult they make it, he really makes Council look good and if he doesn't it is not from a lack of trying. Councilwoman White stated that it was truly an honor to be there and she personally thanked the City Manager for all he has done for her since she has been on the City Council. Larry Hanson thanked Councilwoman White for her comments and stated that he was deeply touched.

Councilman Vickers inquired about the status of the work on Johnson Street. Larry Hanson stated that they were making some temporary repairs and that should have been scheduled and completed.

CITIZENS TO BE HEARD

Paul Cronin, 5088 Falling Springs Road, stated that he is the co-owner of the Golden Leaf Cigar Café located at 101-A South Patterson Street in the Historic District. Mr. Cronin stated that he wanted to discuss revising the Alcohol Ordinance. They presently have a wine retail and pour license and they would like to have beer and some hard liquor or spirits poured so that they can enhance the enjoyment of a premium cigar. These cigars are enhanced by premium beers and certain Scotches. They do not intend to be a bottle club, they are not a bar or cocktail lounge, and they are not interested in being open on Sunday. They also do not want to brown bag. Like other business owners, they have a strong interest in the Downtown area. They opened in January and they are doing very well. If they are allowed to have these other items it would enhance their business and bring more people to the Downtown area. They are a retail tobacco shop that sells wine, sodas, coffee, and cappuccinos incidental to the sale of cigars and that is the way they want to sell beer and some spirits. Mr. Cronin asked for Council's consideration in revising the Alcohol Ordinance.

George Tharpe, 2706 Banks Circle, stated that he met the City Manager, Larry Hanson, 15 or 20 years ago and he wanted to give him an "Atta Boy" too. The City Manager has never failed to meet with him when he wanted to talk to him, complain about something, or make a comment no matter how busy he was. Mr. Tharpe stated that Larry Hanson is one of the finest young men that he has met since he has been in Valdosta.

Dr. Michael Knoll, 2305 Glynnedale Drive, stated that he is the President of Wiregrass Activists for Clean Energy (WACE) and just got back from Germany where he studied energy conservation and efficiency issues. Dr. Knoll stated that in early April it seemed that they were on track with putting the Biomass issue to rest but there was a letter asking for an extension of the Agreement. It seemed that based on the readings and comments publicly made that it was likely the Industrial Authority was going to vote down an extension. The letter that was sent was withdrawn and the deadline expired on June 1, 2011. The newspaper had printed that the burning issue was put to rest and they celebrated that because it was a burning issue for the community at large. Unfortunately, a week later the headline in the Valdosta Daily Times states that Wiregrass Biomass, now called Power LLC, was in the running for purchasing the land for development without specifying what the land would be used for. We have a wonderful opportunity this time to make sure that while we welcome investment and development in the community we do not have to deal with the issue of Biomass incineration again in the future. Dr. Knoll stated that they would rather focus on energy conservation and efficiency issues because this is a shared concern throughout the world. In Germany, the government has decided to completely phase out nuclear power within the next decade. For an industrial nation the size of Germany to say this or to proceed means a lot. Dr. Knoll would like to work with the City on energy conservation but before they can focus their efforts on this he would ask the City Council to do what it can to ensure that we do not have the Biomass issue come in through the back door as we see the sale or purchase

of a piece of land that allows the same company who tried to bring us Biomass in the first place bring it back a month or two down the road. If that happens they will be back with signs to fight an issue that he thought was dead. Dr. Knoll stated that he would also be addressing the Industrial Authority and the County Commission because we are a community and we have to ultimately make these decisions together. Larry Hanson, City Manager, stated that he received a call late this afternoon from the Industrial Authority and they have a Called Meeting tomorrow morning to discuss this matter.

Alexander Abell stated that he has been going around the City with a petition regarding the Sunday Alcohol Sales and has obtained approximately 200 signatures. Mr. Abell stated that he supported the vote and this is something that both the County and City support. Councilwoman White inquired as to whether Mr. Abell was taking the petition around at the July 4th festivities. Mr. Abell stated that he did not want to interrupt any family activities but wanted to tell people about what they were trying to do and the signatures are from around the general area.

Jordan Lane, graduate student at Valdosta State University, stated that he worked at one of the most prominent lobbying firms in the State, Georgia Link, and one of the main issues was the Sunday Sales law. He gained a lot of experience sitting in at the State Capitol for five or six months and he truly believes that Valdosta can make a statement to the rest of the State that they are willing to provide a Referendum to the citizens of Valdosta. By providing the citizens of Valdosta with the ability to vote yes or no will send a signal to the rest of the State that we are a progressive city and we want to let the people decide on whether they want Sunday Alcohol sales. A lot of the Senators and Representatives in the State want citizens to be able to participate in this. This would be a great thing for the City and County.

ADJOURNMENT

Mayor Pro Tem Payton entertained a motion to adjourn the Council meeting and enter into an Executive Session for the purpose of discussing real estate.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the July 7, 2011 meeting of the Valdosta City Council at 6:25 p.m. and enter into Executive Session.

Mayor Pro Tem Payton reconvened the regular City Council meeting at 7:02 p.m. and stated that there was discussion of real estate in the Executive Session and no action was taken.

Mayor Pro Tem Payton entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the July 7, 2011 meeting of the Valdosta City Council at 7:02 p.m. to meet again in regular session on Thursday, July 21, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta