

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, SEPTEMBER 6, 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., Robert Yost, and James Wright. Councilman John Eunice arrived at 5:42 p.m. The invocation was given by Bishop Wade S. McCrae, Union Cathedral Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE SEPTEMBER EMPLOYEE OF THE MONTH**

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

A **MOTION** by Councilman Head, seconded by Councilman Yost, was unanimously adopted (6-0) to approve the September, 2007 Employee of the Month Award.

Mayor Fretti presented the September Employee of the Month Award to Douglas Stevenson, Water and Sewer Department.

Douglas Stevenson began his employment with the City of Valdosta in February, 2004 as a Laborer with the Water and Sewer Department. He was promoted to Crewleader in March, 2005, which is the position he currently holds. As Crewleader, Douglas is responsible for supervising crews engaged in the installation, repair, and maintenance of drainage ditches, stormwater sewer pipes, and catch basins. He also provides training for new personnel and responds to citizen complaints when problems arise. Soon after his employment with the City, it became evident that Douglas was not only extremely knowledgeable about the construction and maintenance of the various drainage systems in the City, but was a natural leader as well. This led to his rapid promotion to Crewleader which is a job that usually requires many years of training. Also, his abilities as a master tile setter and marble mason saves the City considerable money and expedites the completion of numerous projects because the City was previously contracting out repair work to catch basins at the average cost of \$2,000 each. Douglas now completes these repairs saving the City considerable time and money. Most recently he completed work on the catch basins in the Lake Laurie area as well as the installation of three basins off of Melrose Drive. With the large number of projects on schedule for the Water and Sewer Department, his talents are in demand more than ever, and he serves as an outstanding example for other employees to follow. For these reasons and many others, the Employee Relations Committee nominated Douglas Stevenson as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the August 23, 2007 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

**CITIZENS TO BE HEARD**

There were no citizens to be heard.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2007-40, AN ORDINANCE FOR A SPECIAL EXCEPTION TO RELOCATE AN EXISTING CELL TOWER IN A HIGHWAY-COMMERCIAL (C-H) ZONING DISTRICT**

Consideration of an ordinance for a Special Exception to relocate an existing cell tower in a Highway-Commercial (C-H) zoning district as requested by Foresite Group, Inc. (File No. VA-2007-45). The properties

consist of 2.43 acres located on the north side of Woodrow Wilson Extension between North Ashley Street and Bemiss Road. The Planning Commission reviewed this request at their August 27, 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 to relocate an existing cell tower from the middle of the property to the eastern side of the property in order to utilize the majority of the property for two retail buildings. The properties are currently undeveloped and the applicant needs to relocate the existing tower to allow for construction. The properties are centrally located within an area that is designated for high-density commercial development. The surrounding uses, as well as the proposed use of this property, are in conjunction with the current zoning and the future development maps. Relocating a cell tower from the middle of the property to the eastern end should have no adverse effects on the surrounding areas. The property is located within a Community Activity Center on the Future Land Use Development map, and the site plan indicates that the applicant can meet all of the required setbacks. The applicant will also provide for the screening of the cell phone tower and the pad related to the transmitter on the tower. Staff found the applicant's request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their August 27, 2007 regular meeting and recommended approval of a Special Exception to relocate an existing cell tower located in a Highway-Commercial (C-H) zoning district (8-0 vote). Councilman Payton inquired as to whether the chain link fence located at the base of the cell tower would be moved. Anne-Marie Wolff stated that it would be relocated and the applicant would need to have some screening around the area as indicated in the Telecommunications Tower Ordinance along with some landscaping as indicated in the Landscaping Ordinance. The consultants hired by the City of Valdosta to review the Zoning Ordinance will look at areas where the screening may not be necessary if they can do that with landscaping. Larry Hanson, City Manager, asked that Council, in making the motion, provide Staff with some latitude in making sure that it is safe but also not unsightly because at the time the ordinance was originally written, cell phone towers were just coming out and there was a lot of concern about the guide wires. The towers were required to be fenced and there was one requirement that stipulated there be barbed wire at the top which may not be in anyone's best interest at this time.

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (7-0) to follow the recommendation of Staff, who was instructed through discussion as to the latitude that can be taken in the fencing, and enact Ordinance No. 2007-40 for a Special Exception to relocate an existing cell tower in a Highway-Commercial (C-H) zoning district as requested by Foresite Group, Inc., the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2007-41, AN ORDINANCE FOR A SPECIAL EXCEPTION TO PLACE A MANUFACTURED HOME IN A MULTI-FAMILY RESIDENTIAL (R-6) ZONING DISTRICT**

Consideration of an ordinance for a Special Exception to place a manufactured home in a Multi-Family Residential (R-6) district as requested by Pamela Kalil for Barbara Jolly (File No. VA-2007-47). The property consists of 1.004 acres located at 2541 Lonesome Dove Road. The Planning Commission reviewed this request at their August 27, 2007 regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the Planning Commission vote was actually 7-1 with one individual in opposition. The applicant is requesting a Special Exception to place a manufactured home in a Multi-Family Residential (R-6) zoning district. Lonesome Dove Road was annexed into the City in August, 2006 during the annexation of the unincorporated islands. The properties are two adjacent lots that are used residentially with an existing site-built house, and the applicant would like to remove the existing house and replace it with a manufactured home to be used as a residential dwelling. The surrounding properties are primarily single-family residential site built homes which appear to have been constructed in the last 15 years. There are also three existing manufactured houses, two that are single-wide, and one that is a double-wide, all of which appear to be 20 or more years old. The manufactured home that the applicant is planning to use would fit on the lot horizontally as directed by the ordinance and the applicant is aware of the skirting requirements. Staff felt

that the introduction of a new manufactured home into an area that is mostly site-built homes is out of character with the surrounding properties. Due to the age, the existing mobile homes are nearing the end of their usable life and will eventually need to be replaced. Staff would like to see the existing trend of well-maintained site-built homes to continue in order to preserve the values of the neighboring site-built homes. Staff found the applicant's request inconsistent with the surrounding development and the Comprehensive Plan and recommended denial. The Planning Commission reviewed this request at their August 27, 2007 regular meeting and recommended approval of a Special Exception to place a manufactured home in a Multi-Family Residential (R-6) zoning district (7-1 vote).

Pamela Kalil, 5624 Scruggs Circle, Hahira, Georgia, spoke in favor of the request. Ms. Kalil stated that Barbara Jolly was her mother and the house is very old and in need of repair. Her brother currently lives in the house and they would like to make the home better. Her mother has medical issues and now lives with Ms. Kalil. Mayor Fretti inquired as to why Ms. Kalil chose a mobile home over a site built home. Ms. Kalil stated that they chose it because of the overall affordability. Councilman Payton inquired as to whether Ms. Kalil had spoken with her neighbors. Ms. Kalil stated that she had spoken with her neighbors and they were aware of the problems with the house and were very supportive of replacing it.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Payton to approve a Special Exception to place a manufactured home in a Multi-Family Residential (R-6) district as requested by Pamela Kalil for Barbara Jolly. Councilman Vickers seconded the motion. Councilman Vickers stated that people purchase mobile homes because of economics and affordability. They would much rather have a stick built home but they cannot afford it. Mayor Fretti stated that Councilman Vickers helped him when he was a young man to establish credit and he was able to purchase a home which appreciated in value. Mayor Fretti stated that he would like for Staff to provide him with information on how mobile homes devalue and whether they ever appreciate in value. The motion was adopted (6-1) with Councilman Yost voting in opposition to enact Ordinance No. 2007-41, the complete text of which will be found in Ordinance Book XI.

## **ORDINANCE NO. 2007-42, AN ORDINANCE FOR A TEXT AMENDMENT TO THE CITY OF VALDOSTA ZONING ORDINANCE, SECTION 8-SIGN REGULATIONS**

Consideration of an ordinance for a Text Amendment to the City of Valdosta Zoning Ordinance, Section 8-Sign Regulations.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that she would be presenting a video for Mayor and Council to review. The filming began on I-75 in order to show what someone entering the City would see. There is not a major issue with billboards around the Conference Center at this time, but further down on Norman Drive, there is a new LED located by Bruster's, which changes constantly and may cause distraction to drivers. On Exist 22, which is the unincorporated area of Lowndes County, there are several billboards which have maxed out the spacing requirements. As people enter into the City limits, the roadway is a much more serene visually pleasing gateway. The Text Amendment proposal would help to protect this corridor and the aesthetics of the area. Inner Perimeter Road has a lot of potential and there are no over-bearing signs in this area. There is an Inner Perimeter Road Corridor Overlay which will help to protect the area from overwhelming it with signage. Within and around the City, there are 233 billboards with 143 of those billboards located within the City Limits. Approximately 20% of those billboards are currently vacant or advertising for the billboard company, and 7% of those billboards are in some form of disrepair. Councilman Vickers inquired as to whether Ms. Wolff has had any conversations with the County concerning the billboards in the County. Ms. Wolff stated that she has not had a specific conversation with them and was hopeful that if the Text Amendment was approved then the County would choose to look at their regulations. The City also needs to protect the gateways from the visual impact that signage often causes. The City currently has the opportunity to put that into place because the proposed regulations would put a cap on the number of billboards. Those billboards that are currently in place would remain and could continue using it for the useful life of the sign. Additionally, there are some provisions for modification of current billboards into the new LED boards. Because of the traffic impact and the impact on the community's character, there would need to be a limit on the number of those types of signs that are converted which has been set at eight City-wide with eight faces. Provisions have also been added if a sign needs to be replaced due to it being destroyed. Anne-Marie Wolff stated that several local travel guides have a lot of great things to say about Valdosta

but they also pointed out some areas that the City might want to concentrate on as growth continues. For instance, the travel guides make reference to the proliferation of non-descript development such as chain motels and fast food strips throughout our community. The decision to hire the consultants, Jordan, Jones & Goulding, to rewrite all of the current Land Development Regulations will help because some people suggest that it is the City's regulations that have caused the problems. The ordinance for the billboard amendment is one step in a positive direction of further addressing the overall issue of growth and development. It will cap the billboards at the existing number, which can be replaced but only in the same location, and it will limit the number of variable message boards. There is also a provision in the ordinance regarding the distance requirements; however, an allowance was made for variances to be granted should that be necessary. Larry Hanson stated that this would cover some of the old, legal, non-conforming billboards that were on top of one another and the goal is to meet the present spacing requirements. A Special Exception can be requested but cannot be approved for anything less than what it is now. Councilman Yost stated that this is a major change and instead of the 50% value, if they tear it down they can now rebuild it. Councilman Yost inquired as to whether something was passed with the annexation of the islands that if they came into the City they would be non-conforming but it was 50% then too. Larry Hanson stated that was in the settlement agreement signed by the Superior Court Judge so the City will honor that agreement. George Talley, City Attorney, stated that there is a recent decision in Cobb County who had a similar provision in their ordinance and it was struck down as being unconstitutional because it violated a Code section that provides that should a municipality or city desire to purchase, obtain, or destroy an outdoor advertising sign they must pay just compensation for it. Cobb County had an ordinance that stated if the sign was destroyed they could not replace it so the Georgia Supreme Court said that was their failure to pay just compensation. Councilman Yost stated that if one of the annexed islands had a billboard and if they decided to make changes or tear it down and start over, they would have to adhere to the policy discussed at the Work Session. George Talley, City Attorney, stated that they would have to do this now. Larry Hanson stated that was predicated on the fact that it is not a legal board under the City's ordinance. Some of those that were annexed could have been just as legal as those in the City, so in the event that a billboard did not comply with the City's billboard requirements it was grandfathered in as legal non-conforming with the 50% rule. Councilman Yost stated inquired as to whether the City would be covered without saying anything in the ordinance about that. Larry Hanson stated that those billboards are now in the City and are governed by what Council is adopting because that was really to assure those annexed at that time that they were not going to be treated any differently or be required to take it down. They are now one of the 143 billboards in the City and Council will be passing an ordinance that is going to allow them to replace those boards under these new circumstances. Larry Hanson stated that they can only replace what is destroyed or taken down and cannot replace a 10 x 10 board with a 10 x 30. Councilman Head inquired as to how aggressively the City was pursuing the owner of the billboards that look very bad. Anne-Marie Wolff stated that they will be notifying the property owners and work with them. The ordinance states they have 30 days, but Zoning will work with them to get the billboards either repaired or removed. Councilman Vickers inquired as to who the owner would make an appeal to. Larry Hanson stated that they would appeal to the Zoning Board of Appeals and they could only appeal the distance requirement and no less than the minimum distance could be granted. Councilman Sumner inquired as to whether any additional billboards would be built on North Valdosta Road with the current zoning for billboards. Larry Hanson stated that a few could be built. The best thing about North Valdosta Road currently is that most of the zoning does not allow it but all it takes is a couple of applications which would be hard to deny changing the zoning to Highway-Commercial, which would then make it immediately eligible for a billboard. Anne-Marie Wolff stated that from the intersection of North Valdosta Road and Country Club to the intersection of Inner Perimeter and North Valdosta Road there appears to be a few sites where a billboard could possibly occur because of the zoning. Larry Hanson stated that there is one more piece of commercial property near The Links which could be eligible at the present time. Mayor Fretti stated that the City is still considering not going over 143 billboards so something would have to come down in order for something to go up. Larry Hanson stated that under the new ordinance there would be no more than 143 billboards. Anne-Marie Wolff stated that under the new ordinance the only site where a billboard could be located is where a billboard is located right now. Councilman Head stated that he would like for

the City to engage the County in some dialogue to encourage them to move in that direction as opposed to waiting for the County to see what the City does with hopes that the County will want to adapt that approach. Anne-Marie Wolff stated that if directed she would be happy to discuss that with the County. Larry Hanson stated that he would communicate with Joe Pritchard, County Manager, and asked Anne-Marie Wolff to communicate with Jason Davenport. Councilman Yost inquired as to when the ordinance would go into effect if passed by Council. Larry Hanson stated that it would go into effect at midnight tonight because the moratorium on billboards expires tonight. Councilman Vickers inquired as to whether there were any pending applications. Larry Hanson stated that there

were no pending applications and there was one existing billboard that was already approved for a new face. Anne-Marie Wolff stated that there were two applications completed before the moratorium was passed and those will be honored. Mayor Fretti asked Council for their consideration in approving the ordinance.

Carl Shapiro, 4486 Robert Drive, stated that he was not in favor or against the request but wanted to share an experience that he had in Tallahassee, Florida, with Council. Mr. Shapiro stated that he had several businesses on Tennessee Street which had signs 50-60 feet in the air. The City of Tallahassee passed an ordinance that the signs would have to be lowered to 25 feet and gave the businesses two years to do it. All of the businesses complied with the ordinance and lowered the signs. The collage of color disappeared and was lowered down to a level below all the power lines. Mr. Shapiro cautioned Council that when a sign ordinance is created the objective is for beautification of the city and you may not beautify the city if you are not careful how the ordinance is passed. Sometimes you have an ordinance that may sound good but you cannot see everything like the pictures on the signs. Signs have a collage of color and they distract from all of the things that are not beautiful and you have to be careful how the ordinance is passed because it could be offensive and hurt the city.

Matt Varn, 2205 Bemiss Road, spoke in opposition to the request. Mr. Varn inquired as to whether the ordinance would cap the amount of signs on North Valdosta Road or the City. Larry Hanson stated that it would cap the number of billboards in the City which is 143. Mr. Varn inquired as to whether it would limit the current signage to only eight LED signs in the City. Larry Hanson stated that it would limit it to eight LED billboards and not signs.

**A MOTION** by Councilman Yost, seconded by Councilman Sumner, was unanimously adopted (7-0) to enact Ordinance No. 2007-42 for a Text Amendment to the City of Valdosta Zoning Ordinance, Section 8 – Sign Regulations as presented in the latest revision of the ordinance to be effective immediately, the complete text of which will be found in Ordinance Book XI.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 2007-43, AN ORDINANCE FOR ACCOMMODATIONS TAX**

Consideration of an Accommodations Tax Ordinance (Second Reading).

Mark Barber, Deputy City Manager of Administration, stated that this is not an additional tax and is a continuing 5% tax for the occupants of lodging establishments. If the ordinance is passed, there will be a 45-day registration period where the establishments will provide the names of the owners and operators. The Business Occupation Tax will be in charge of collecting this tax and a lot of the information on the owners may already be on file. This will also be a good audit tool because gross receipts are requested for the Business Occupation Tax and those annual receipts can be compared to what the establishment has turned in each month. Currently, Lowndes County collects 100% of the tax and now the City will collect tax for those properties located within the City beginning January 1. The due date will be the 20<sup>th</sup> of the month for the prior month. This is not a billing process and a pre-printed form will be prepared and mailed out at the end of each month. The establishments will have time to complete the form, and any exemptions will not be taxed. Councilman Payton inquired as to whether the use of the tax will still be the same. Larry Hanson stated that was correct and that 40% by law will go to tourism and 60% will be at the discretion of the local government. Councilman Payton inquired as to whether this would have any effect on the current House Bill 489 situation. Larry Hanson stated that technically it does not have any effect. The issue on House Bill 489 was the joint funding of services and whether the County’s share had to come from the unincorporated areas so this is not related. Even if it was related, the present budgets of the Airport Authority, Conference Center and Tourism Authority, and other authorities have to be submitted each year and it is

at the County’s discretion what they approve so it will be the same because they will be submitting budget requests to both the City and the County. There is nothing in the State law, with the exception of the Tourism Authority, as to how the money is used which was an agreement between the City and the County that has now expired. The County has since changed how they will fund the Industrial Authority which was covered in that same agreement. Mark Barber stated that these funds will be a separate special revenue fund that will be dedicated for this revenue collection and expenditures. Larry Hanson stated that this tax is generally imposed by cities and of the 15 large

cities in Georgia, only Valdosta and Warner Robbins presently do not have a tax. There are 219 jurisdictions in Georgia with this tax and out of that total, 151 are cities and 65 are counties so the majority of the governments that have the tax are cities. Of the 65 counties that have the tax, 48 of the cities in those counties have the tax as well so it is common that even in the counties that have the tax the city has its own tax.

A **MOTION** was made by Councilman Head to approve the Accommodations Tax Ordinance as presented by the Deputy City Manager of Administration. Councilman Payton seconded the motion. Councilman Yost stated that this ordinance has been a long time in coming and it is appropriate to enact it now. Councilman Yost suggested that the appropriate Staff and City Manager look at any other changes that could be made to the current taxes that are collected by other bodies within the County and/or other taxes that we could move in that direction so that we can secure and deal with our own destiny and not leave it to other governing bodies. The motion was unanimously adopted (7-0) to enact Ordinance No. 2007-43, the complete text of which will be found in Ordinance Book XI.

#### **ORDINANCE NO. 2007-44, AN ORDINANCE AMENDING THE CLEAN INDOOR AIR ORDINANCE**

Consideration of an amendment to the Clean Indoor Air Ordinance.

Larry Hanson, City Manager, stated that the City was contacted a month ago concerning the issue of smoking in truck stops. There was an establishment who had made the necessary improvements to be eligible to allow smoking by having an additional ventilation system and posting the signs but there was some confusion about the ordinance that allows a Special Exception for a bar to be designated as a smoking facility but not a truck stop. This is a very tightly written amendment to the ordinance and to make it a bona fide truck stop it has to be adjacent to the Interstate. There are parameters written so that someone cannot just classify themselves as a truck stop to become eligible. The establishment will have to have a certain number of fuel bays, paved parking, offer amenities for overnight travelers and supplies for truckers, post the property and not allow anyone under 18, and have a ventilation system so it would be treated in much the same way as bars in the City are currently treated. Mayor Fretti stated that he was contacted by the owner of a truck stop and he wanted the option to level the playing field because the State and the County currently allow this. There is a truck stop just south of his establishment that is in the County and they have the option to allow smoking due to the new State law which the County adopted. The owner of the truck stop would like to have that option in one room of his truck stop. Councilman Sumner inquired as to whether the owner had been operating as a smoking establishment since the ordinance was passed. Larry Hanson stated that he was not sure what the owner had been doing or for how long, but in this case, there was a complaint made and the owner thought he was eligible based upon the State law and other changes. He immediately ceased to allow smoking until this could be considered by Council and he will abide by whatever decision Council makes. Councilman Yost inquired as to how truck stops are considered in the State law. George Talley, City Attorney, stated that the State law does not mention truck stops but provides that any restaurant in which 18-year olds or younger are not allowed and which also has a separate ventilation system can allow smoking. Councilman Yost stated that the individual has been blatantly violating the ordinance and if Council continues to chip away at the ordinance that was established several years ago, which is how the alcohol ordinance has been done, then you might as well not have an ordinance. Councilman Yost stated that he would vote in opposition to the amendment. Councilman Vickers stated that he appreciated the support of Council on the ordinance but an ordinance is a living document and should be reviewed periodically. The owner of the truck stop has indicated that the ordinance has a negative impact on the restaurant. Councilman Vickers spoke with several employees of the truck stop who did not know him and they told him that it has had an effect on them. Compliance of this ordinance in the City it has been very successful and Council should have an open mind so that ordinances can be reviewed. Councilman Vickers stated that the amendment to the ordinance has been written very tight and he was in support of it. Councilman Sumner stated that you cannot smoke a cigarette while pumping gas because it could potentially kill someone and you do not smoke in a public place because it has the potential to kill people and he did not see the division between the two. This is a health issue and Council voted several years on this ordinance and if you keep chipping away at it then you might as well do away with the ordinance and accept what the State has authorized.

A **MOTION** was made by Councilman Eunice to approve an amendment to the Clean Indoor Air Ordinance to allow smoking as written in the amendment in truck stops within the City Limits of Valdosta. Councilman Vickers seconded the motion. Councilman Eunice stated that in some cases you cannot write an

ordinance that is one size fits all. Council has to be flexible in looking at different types of situations and this is one of them. Several years ago he felt that the ordinance should be amended to allow smoking in bars. Councilman Eunice stated that he could not speak for everyone but he has not had one complaint from anyone about the amendment since it went into effect. This is a similar situation and even though he is a firm believer that smoking is bad for your health, if you are over the age of 18 you are a legal adult and you can make the conscious decision of whether to go into an establishment that allows smoking or not. If this establishment is going to be only for adults and those over the age of 18, then smoking should be allowed. Councilman Eunice stated that he would never support any amendments to this ordinance that would in any way affect those under the age of 18, and as long as he was on Council, he would fight vigorously to support no smoking in any restaurants or businesses that allow people of all ages to enter. Councilman Wright stated that he has had a change of opinion since the ordinance has passed and was in support of an ordinance that would allow people over the age of 18 to make the decision; however, he would probably go the other way if the vote was to come back up. Councilman Wright stated that at the same time he agreed with Councilman Eunice in that if this is for people over 18 and they can make the conscious decision then they have that right. He was concerned, though, about how truck stops would limit the age and how that would be checked. George Talley, City Attorney, stated that the wording in the City's ordinance is the same as in the State law and states that anyone 18 or younger would be prohibited from entering. Larry Hanson stated that this amendment to the ordinance will require the truck stop to post it on the door that no one under 18 will be allowed and that it is a smoking facility. Mayor Fretti stated that he was told that it was only one room of this facility and not the fuel desk, fuel bays, or hallways. Larry Hanson stated that the outside doors would still have to be posted to let everyone know that it is a smoking facility and no one under 18 is allowed. Councilman Yost stated that even though the amendment to the ordinance states they can contemplate it they can smoke anywhere they want if it is passed. George Talley, City Attorney, stated that the amendment states there are two conditions and one of those is that the restaurant has a ventilation system for smoking and that those people under the age of 18 are prohibited. Larry Hanson stated that the amendment states that it is allowed in a private room in a restaurant if the room is enclosed and has an air handling system independent from the main air handling system that serves all other areas of the building. All air within the private room would be exhausted directly to the outside by an exhaust fan of sufficient size and in accordance with the City stated requirements for exhaust systems in smoking establishments. Mayor Fretti stated that under this amendment to the ordinance, any truck stop could have a separate private room for a restaurant and a separate private restaurant for non-smoking, but they are not connected. The motion was adopted (4-3) with Councilman Yost, Councilman Sumner, and Councilman Payton voting in opposition to enact Ordinance No. 2007-44, the complete text of which will be found in Ordinance Book XI.

#### **ORDINANCE NO. 2007-45, AN ORDINANCE AMENDING THE LITTER ORDINANCE**

Consideration of an amendment to the Litter Ordinance.

Mara Register, Assistant to the City Manager, stated that under Section 11-1013 Littering, Items (1), (2), and (10) are from the 2005 Litter Ordinance and Items (3) through (9) are new sections that have been added. Larry Hanson stated that in Item (1), the street right-of-way does not mean placement of trash at the street for pickup by the City Sanitation Services. Mara Register stated that this is where there is accumulation of litter that is occurring and not an organized collection of household garbage such as the things that might be placed at the street for special pickup or household garbage containerized in the roll off or yard clippings. Item (9) has been revised to state that commercial sites with on-site parking shall at a minimum have its parking area cleaned or swept as needed to prevent an accumulation of litter and to maintain a neat and orderly appearance. The daily requirement was removed because this is a very difficult thing to check. With the revisions made in the Community Protection Division, the Enforcement Officers are out in the field visually looking at the zones and changing the wording makes it very clear what the requirement is and they can work with the commercial people in cleaning up their property. A business that has 1-25 parking spaces is required to have 1 receptacle, businesses that have 26-52 are required to have 2 receptacles, and then 1 receptacle for each 100 spaces from there because the City does not want to create a sea of trash cans in a large parking lot. Councilman Sumner inquired as to who would provide the receptacles. Larry Hanson stated that the Public Works Director will determine the size, type, and number of receptacles. Mara Register stated that the receptacles will also have a cover in order to prevent litter blowing out onto adjacent properties. Larry Hanson stated that the amendment to the ordinance is not only to improve the appearance of the City but to also address legitimate complaints that other property owners are being affected by the litter of others. Councilman Eunice inquired as to how littering violations would be enforced. For example, if a

citizen calls to complain about another person who has littered in their yard. Mara Register stated that in a situation like that you would have to see the person who discarded the litter. Councilman Wright stated that he was very pleased with the ordinance and inquired as to whether lawn service people who blow grass into the road and drains and leave it would be considered littering and how that would it be reported. Mara Register stated that letters will be sent to all licensed lawn care services in the City to remind them about the Stormwater Ordinance and what it states about blowing debris into the right-of-way and stormwater utility.

**A MOTION** by Councilman Eunice, seconded by Councilman Wright, was unanimously adopted (7-0) to enact Ordinance No. 2007-45, for an amendment to the Litter Ordinance, the complete text of which will be found in Ordinance Book XI.

**RESOLUTION NO. 2007-15, A RESOLUTION FOR REVENUE BOND FINANCING BY THE VALDOSTA HOUSING AUTHORITY**

Consideration of a Resolution for revenue bond financing by the Valdosta Housing Authority for the benefit of Valdosta State University Auxiliary Services Real Estate-Hopper LLC.

Larry Hanson, City Manager, stated that the Valdosta Housing Authority would like to assist Valdosta State University in the issuance of bonds, and being a unit of the City, a resolution is required to authorize the issuance of bonds. Dr. Ron Zaccari, President of Valdosta State University, made an extensive presentation at the Work Session on the tremendous growth at Valdosta State University and discussed the \$28.5 million in bonds and the projects that will take place which include new additional student housing facilities and parking decks. The Housing Authority will be compensated a small percentage of funds for being the conduit for issuing the bonds. The City will have no liability in the obligation of the revenue bonds which will be retired by a dedicated revenue source. Larry Hanson asked for Council's consideration in approving the request.

**A MOTION** by Councilman Sumner, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Resolution No. 2007-15, a Resolution for revenue bond financing by the Valdosta Housing Authority for the benefit of Valdosta State University Auxiliary Services Real Estate-Hopper LLC, the complete text of which will be found in Resolution Book IV.

**LOCAL FUNDING AND REQUESTS**

Consideration of a request to accept the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG).

Police Chief Frank Simons stated that several weeks ago Council approved a request to submit an application for the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) and the City was awarded a joint grant for \$53,335. Of that amount, \$13,588 has been allocated for the County and the remaining amount, \$39,747, has been allocated for the City. The grant award documents require acceptance by the Mayor of the award documents and special conditions on this grant. Chief Simons asked for Council's consideration in approving the grant. Councilman Vickers inquired as to how the grant funds would be used. Chief Simons stated that \$15,000 would be used to refit the interview rooms with digital video and audio which has been a problem area, \$12,747 would be used to upgrade a surveillance vehicle, and the remaining \$12,000 would be used for the gang and drug grants surveillance equipment.

**A MOTION** by Councilman Head, seconded by Councilman Eunice, was unanimously adopted (7-0) to approve the request to accept the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) and authorize the Mayor to execute the award documents and accept the special conditions of the grant.

**BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES**

Consideration of a request to approve a change in the alignment of the Water Transmission Main Design and authorize additional payment of funds to Camp, Dresser and McKee, Inc.

Leon Weeks, Director of Utilities, stated that the City of Valdosta has had a long-standing goal to construct a second water main to deliver water from the Guest Road Water Treatment Plant into the City. In March, 2007,

Mayor and Council approved a proposal and contract with Camp, Dresser and McKee, Inc. (CDM) for the design of a water main to start at the plant and travel through the City's Freedom Park property and then through an easement along the edge of the power transmission main right-of-way which runs through private property for a short distance before reaching Knights Academy Road on the west side of the railroad. From that point, the main was to run along Colson Road and Jaycee Shack Road parallel with the railroad to Mt. Zion Church Road, Inner Perimeter Road, and Northside Drive. After approval of the contract, CDM and their surveying subcontractor proceeded with surveying the route and design of the needed main. There were discussions with the power company concerning the underground support for their steel towers that supported the wires, and it was learned that the power company could not allow excavations to occur anywhere within their right-of-way in the area of the towers. In the space between the end of the City property and Knight's Academy, there were several residential lots with homes, swimming pools, and outbuildings within the distance needed for the main and there was not room along this alignment to allow a conventional, open cut method of main construction. The City and CDM reviewed three alternatives for construction of a main to overcome the obstacle which were: (1) Changing to seamless welded pipe and installation by a long directional bore without excavating the ground surface between Freedom Park and Knights Academy, (2) Changing the alignment to run along the railroad from the plant to the road, and (3) Changing the alignment to run east on Guest Road to Bemiss-Knights Academy and then to Knights Academy and then back to the point for continuing south. Alternative 2 along the railroad was found to have problems with wetlands, easements, and other issues. Alternatives 1 and 3 had similar construction costs. The additional length of Alternative 1 was offset by the cost of a directional bore; however, the material that would have been used for the bore was different from the other materials in the City's water system and the long-term maintenance problems associated with the pipe and the obstructions along the route made this very unattractive. The cost of the extra length to follow existing roadways was offset by the ability to provide future service to more, undeveloped property. Alternative 3 was selected as the preferred route. The changing of the route caused additional cost in order to survey the route and to design the pipe and fittings to install the main. Most of the cost of the surveys and preparing plans were spent in determining that the route would not work and studying alternatives. CDM has requested \$55,760 to cover the additional cost. Leon Weeks asked Council's consideration in approving the request to accept the change in alignment and authorize payment to CDM in the amount of \$55,760, and to authorize City Staff to notify Lowndes County as required in the extra-territorial agreement for water and sewer services.

**A MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the recommendation of the Director of Utilities and authorize the change in the alignment of the Water Transmission Main Design and authorize additional payment of \$55,760 to Camp, Dresser and McKee, Inc. for completion of the design plans and to authorize the City Staff to notify Lowndes County as required in the extra-territorial agreement for water and sewer services.

Consideration of a request to approve a contract with Camp, Dresser and McKee, Inc. for implementation of wastewater improvements.

Leon Weeks, Director of Utilities, stated that the City adopted a Water and Sewer Master Plan which outlined various improvement projects for drinking water and for wastewater to meet the needs of the City for providing municipal utility services for the planning period. Many of the drinking water improvements have been completed and other projects are underway at this time. The plan also recommended expansion and improvement of its wastewater treatment facilities, rehabilitation, replacement of parts of its sanitary sewer collection system, and other projects to eliminate problems with existing treatment plants and sewer lines, lift stations, and other facilities. The City completed a City-wide watershed assessment to determine the health of local streams and implemented a stormwater management program as a prerequisite to obtaining permits from the Georgia Environmental Protection Division for wastewater improvements that would allow growth of the City. Two consulting firms, CDM and Metcalf and Eddy, were selected to assist the City with implementation of its wastewater improvement program. CDM and the City applied for and have now received a waste load allocation for discharge of treated wastewater to area streams. This was the last requirement before the start of actual preparation of plans for rehabilitation and/or replacement of facilities and preparation of environmental reviews, funding studies, and other documents needed to make the actual improvements. CDM also assisted the City with preparation of a bond sale analysis and report to determine possible funding sources and the preparation of a GEFA loan in the amount of \$24,007,000 which has been obtained for design and construction of various water supply, transportation and storage projects, construction of water and sewer lines in the annexed islands, and for various sewer rehabilitation and replacement projects. The remaining tasks that must be completed before the start of actual design of construction plans for expansion of the

two plants and for repair of the sewer system within the City are as follows: (1) Engineer's bond report related to capital improvements and financial planning, (2) Applications for a Clean Water State Revolving Fund for the Withlacoochee and Mud Creek WPCPs for submission to GEFA, (3) Environmental information documents for the Mud Creek and Withlacoochee WPCP for submission to EPD, (4) Development of Design Development Reports for the Mud Creek WPCP to determine the treatment processes needed to meet treatment requirements dictated by the waste load allocations, (5) Engineering services for short term improvements needed to keep up with growth during the period while new facilities are constructed, (6) Wastewater solids treatment evaluation for the Mud Creek and Withlacoochee WPCPs, and (7) Comprehensive evaluation of wastewater collection systems for rehabilitation of sewer lines, lift stations, and force mains. Leon Weeks stated that there was an error in the original total proposed by CDM to perform the tasks and the new total is for a sum not to exceed \$1,698,365 which includes an allowance for other subcontractors to include \$51,700 for surveys, \$120,000 for flow monitoring, and \$25,950 for geotechnical exploration. An additional contract will be required for a contract with either CDM or Metcalf and Eddy for preparation of the Design Development Report for the Withlacoochee WPCP. Councilman Payton inquired as to where the funds would come from for this project. Larry Hanson, City Manager, stated that most of this is paid for by the GEFA loan and this is one of GEFA's priorities to fund wastewater around the State.

**A MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the recommendation of the Director of Utilities for a contract with Camp, Dresser and McKee, Inc. in the amount not to exceed \$1,698,365 for implementation of wastewater improvements.

### **CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that there will be a water plant dedication ceremony and luncheon on September 13, 2007 at 11:00 a.m. to view the significant improvements and encouraged Council to attend

The first set of meetings for the Public Transportation Plan has been scheduled and will begin on September 10, 2007 at W. G. Nunn Elementary School. Subsequent meetings will be held on September 11<sup>th</sup> at West Gordon Elementary School, September 17<sup>th</sup> at Valdosta Middle School, and September 18<sup>th</sup> at Southeast Elementary School. These meetings are being placed in strategic locations throughout the community that are accessible and have adequate parking to insure citizen involvement.

Governor Sonny Perdue will be in Valdosta on September 14, 2007 at 4:00 p.m. at Wild Adventures for a litter awareness ceremony. The State of Georgia is now making a push for litter awareness and may come up with some incentives and grants to allow local governments to further the litter improvement program.

The City of Rome and Floyd County has issued a joint proclamation of concern to the Legislature regarding House Bill 900 and recognizing the effect it could have on cities and counties if some of the provisions are passed. The House Bill would take away local control over taxation and put it in the hands of the Legislature to decide how much money a city would receive for operation. Larry Hanson stated that he would be speaking at a meeting on House Bill 900 to be held at Valdosta State University in the near future and encouraged Council to attend.

The Chinese delegation will be visiting Valdosta on September 26-29, 2007, and the second group from China will be visiting in October. Council will be notified of the itinerary and will be invited to attend some of the social and meal functions. Dr. Ron Zaccari, President of Valdosta State University, will be hosting a dinner on campus and would like to establish a sister-type university relationship. Judge Mac McLane has also offered to allow the delegation to see and experience the American court system.

Also, there will be an announcement tomorrow that Wild Adventures, who has been in bankruptcy, will be auctioned along with Cypress Gardens. This has been due to an unfortunate set of circumstances related to the hurricanes in Florida and insurance issues, but we are hopeful that there will be a good ending and that the community will not be impacted.

### **COUNCIL COMMENTS**

Councilman Yost inquired as to the status of the arbitration process for House Bill 489. George Talley, City Attorney, stated that a third arbitrator has been selected and a conference call is scheduled for September 12,

2007 at 8:00 a.m. Larry Hanson and George Talley also met with the Counsel for the other cities and will meet again prior to the conference call. Larry Hanson stated that the conference call with the mediators would be to establish the ground rules, parameters, and a time line.

Councilman Payton stated that Von Shipman, City Engineer, did a great job promoting the Transportation Meetings and inquired as to whether any of the radio stations would be doing any public service announcements. Sementa Mathews, Public Information Officer, stated that there would be some media coverage of the meetings.

Mayor Fretti stated that there will be a Request for Proposal going out in a couple of days for implementation of the City's transit system and will be completed by December 31, 2007 with implementation by June 1, 2008.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Payton, seconded by Councilman Head, was unanimously adopted (7-0) to adjourn the September 6, 2007 meeting of the Valdosta City Council at 7:25 p.m. to meet again in regular session on Thursday, September 20, 2007.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta