

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, JANUARY 24, 2008  
COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor Pro Tem Willie Head called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Mayor Pro Tem Head noted that Mayor John Fretti was in Washington, D.C. representing the City of Valdosta at the U. S. Conference of Mayors. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Councilman Carroll, followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

The minutes of the January 10, 2008 Regular Meeting was approved by unanimous consent (6-0) of the Council.

**CITIZENS TO BE HEARD**

Freddie Richardson, 107 Collins Avenue, stated that he was having a problem with Mediacom. He previously had Basic Cable and when he went to pay his bill he was told that they were running a six-month special for Expanded Cable for \$1.00. He was told that he would be charged \$35.00 up front to turn the cable on; however, at the end of six months, the bill went up to \$44.44 and the next month the bill went up to \$51.48. Mr. Richardson went to the Mediacom office and told them that he wanted to go back to Basic Cable which was \$15.00. He was then told that he would be charged \$29.00 to turn the cable off. Mr. Richardson stated that they should have told him upfront that he would be charged to turn the cable off because it cost him almost \$100 to add \$1.00 for Expanded Cable. Mr. Richardson inquired as to who regulates the cable industry. Larry Hanson, City Manager, stated that under the Telecommunications Act of 1996 the cable industry is regulated by the Federal Communication Commission. Cities only grant franchises for cable companies to do business within a city. At the time Mr. Richardson changed his service, Mediacom may have had an agreement that was required for him to sign. Mr. Richardson stated that they did not have an agreement and he did not have a problem with the \$35.00 but if they were going to charge him any more money then they should have told him. Larry Hanson stated that he would contact Sally Bloom, a senior member of Mediacom, and have her call Mr. Richardson to resolve the problem.

**ORDINANCES AND RESOLUTIONS**

**ANIMAL CONTROL ORDINANCE (FIRST READING)**

Consideration of an Animal Control Ordinance (First Reading).

Larry Hanson, City Manager, stated that one of the goals at the 2007 Mayor/Council Retreat was for the City to adopt a new Animal Ordinance to mirror the Lowndes County Ordinance. Police Chief Frank Simons and the City Attorney have both reviewed the Ordinance and made minimal changes. Larry Hanson stated that the changes would be reviewed at the next Work Session prior to the February 7, 2008 Council meeting.

**RESOLUTION NO. 2008-2, A RESOLUTION TO ADOPT THE POLICIES AND PROCEDURES FOR DOWN PAYMENT ASSISTANCE, REHABILITATION, AND RECONSTRUCTION ASSISTANCE FOR THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS COMMUNITY HOME IMPROVEMENT PROGRAM (CHIP)**

Consideration of a request to adopt by resolution the Policies and Procedures for down payment assistance, rehabilitation, and reconstruction assistance, and approve the Affirmative Fair Housing Marketing Plan and the MBE/WBE Outreach Plan.

Kathy Brunot, Grants Administrator, stated that the City of Valdosta submitted an application in the amount of \$300,000 to the Georgia Department of Community Affairs for funding of a Community HOME Investment Program Grant (CHIP) to rehabilitate six owner-occupied houses, reconstruct eight owner-occupied houses, and provide down-payment assistance to ten first-time homebuyers. The City also submitted an application for set-aside funding in the amount of \$200,000 under the CHIP Program to be used in the designated revitalization strategy area to rehabilitate six owner-occupied houses, reconstruct four owner-occupied houses, and provide down-payment assistance to six first-time homebuyers. The City was notified in August, 2007 that their applications had been approved and the City received their official award documents in Savannah on September 7, 2007. Both of these grants had special conditions, one of which requires that the City adopt by resolution the Policies and Procedures for rehabilitation and reconstruction activities and the Policies and Procedures for down payment assistance for the grant programs. Other special conditions require that the City approve the Affirmative Fair Housing Marketing Plan and the MBE/WBE Outreach Plan for these grant awards. Staff has submitted these documents to the Georgia Department of Community Affairs for review and the documents meet the program requirements. Kathy Brunot asked Council's consideration in adopting by resolution the Policies and Procedures for down payment assistance, rehabilitation, and reconstruction assistance, and approve the Affirmative Fair Housing Marketing Plan and the MBE/WBE Outreach Plan.

**A MOTION** by Councilman Yost, seconded by Councilman Eunice, was unanimously adopted (6-0) to enact Resolution No. 2008-2, a Resolution adopting the Policies and Procedures for down payment assistance, rehabilitation, and reconstruction assistance, the complete text of which will be found in Resolution Book IV, and to approve the Affirmative Fair Housing Marketing Plan and the MBE/WBE Outreach Plan.

**A RESOLUTION FOR PROPOSED LEGISLATION TO BE SUMITTED TO THE GENERAL ASSEMBLY TO CREATE THE VALDOSTA-LOWNDES COUNTY PARKS AND RECREATION AUTHORITY**

Consideration of a resolution for proposed legislation to be submitted to the Georgia General Assembly to create the Valdosta-Lowndes County Parks and Recreation Authority. Mayor/Council postponed the request at the January 10, 2008 regular meeting until the January 24, 2008 regular meeting.

Mayor Pro Tem Head stated that this Agenda Item would require an Executive Session and asked Council's consideration in moving this to the end of the Agenda as Item 6(d).

**A MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (6-0) to move this Agenda Item, a resolution for proposed legislation to be submitted to the Georgia General Assembly to create the Valdosta-Lowndes County Parks and Recreation Authority, to the end of the Agenda as Item 6(d).

**ORDINANCE NO. 2008-1, AN ORDINANCE TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE AND VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA**

Consideration of an ordinance to establish a franchise fee applicable to holders of cable and video franchises issued by the State of Georgia.

Larry Hanson, City Manager, stated that the Georgia General Assembly passed a new law in 2007 that grants a Statewide franchise fee to cable and telecommunications companies. Several of the companies had raised the issue about the difficulty of negotiating with 159 counties and 535 cities and had asked the Legislature to streamline the process and come up with one franchise application they could use regardless of the jurisdiction. The Legislature did approve the franchise application and the only thing left for a city or county to do is to determine what the franchise fee will be. The City of Valdosta is authorized to charge up to 5% because the existing franchise agreement with Mediacom gives them favored status and they pay a 5% franchise fee. The City of Valdosta cannot grant a franchise to anyone else and charge them less than what Mediacom is charged. Larry Hanson asked Council's consideration in approving the Ordinance to establish the franchise fee for the City of Valdosta as 5%. Councilman Payton inquired as to whether the State gives the cities the authority to raise or lower that franchise fee. Larry Hanson stated that the franchise fee can be set from 0-5%.

A **MOTION** by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance 2008-1, an Ordinance to establish a 5% franchise fee applicable to holders of cable and video franchises issued by the State of Georgia.

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

Consideration of bids for fire hose for the Fire Department (Bid No. 29-07-08).

Greg Brown, Purchasing Agent, stated that the Fire Department is in need of some new fire hose to replace older hose that is no longer usable by the Department. Funds are budgeted each year for a purchase of this nature. Sealed bids were received on January 15, 2008 with the low bid submitted by Vitco Fire in the amount of \$38,100. Greg Brown recommended that Council approve the low bid submitted by Vitco Fire in the amount of \$38,100 and allow the Fire Department to proceed with the request.

A **MOTION** by Councilman Wright, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the low bid submitted by Vitco Fire in the amount of \$38,100 and allow the Fire Department to proceed with the request.

Consideration of bids for water and sewer extension on West Magnolia Street.

Von Shipman, City Engineer, stated that the City was asked to install water and sewer in a former unincorporated island in the vicinity of West Magnolia Street and Melbor Street to support development in this area and to link existing utility lines. Eight bids were received on January 3, 2008 with the low bid was submitted by Standard Contractors in the amount of \$53,190. The Engineering Department estimate was \$74,000. Councilman Eunice inquired as to the number of homeowners that would be signing up for these services. Leon Weeks, Director of Utilities, stated that there were 14 existing homes in the island and a four-lot subdivision ready to be built as well as several other vacant lots. This is also directly across the street from two proposed apartment developments. There has been a sewer line through this neighborhood for the past 25 years and some of the homes are already on sewer with a meter on their well and this will give them both services. Councilman Yost asked that the City Manager provide an update at the Mayor/Council Retreat on the status of service for all of the islands. Von Shipman recommended that Council approve the low bid submitted by Standard Contractors in the amount of \$53,190 plus a 10% contingency to handle unforeseen issues during construction.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the low bid submitted by Standard Contractors in the amount of \$53,190 plus a 10% contingency to handle unforeseen issues during construction for water and sewer extension on West Magnolia Street.

Consideration of a request to approve a Change Order for the Municipal Court Parking Lot expansion.

Von Shipman, City Engineer, stated that the City Council approved a contract with Rountree Construction in May, 2007 in the amount of \$240,031 to construct 70 parking spaces and to reconstruct and extend Briggs Street between Hill Avenue and Savannah Avenue. Additional property was recently acquired to allow the parking lot to be expanded by 49 spaces. This additional parking will be needed to help support the development of the old City Waterworks Building. The contractor was asked to supply a Change Order to perform the required work which includes removing large areas of concrete building slabs. Rountree Construction submitted a Change Order in the amount of \$76,306 and the unit prices are the same as in the original contract. Von Shipman recommended that Council approve the Change Order in the amount of \$76,306 plus a 5% contingency to cover unforeseen issues encountered during construction.

A **MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve the Change Order submitted by Rountree Construction in the amount of \$76,306 plus a 5% contingency to cover unforeseen issues encountered during construction for the Municipal Court Parking Lot expansion.

Consideration of a request to approve a State Franchise Agreement with AT&T for cable and video services.

Larry Hanson, City Manager, stated that the Georgia Municipal Association has informed us that it will not be necessary for the City to approve this Agreement since this was the first application in the State under the new Statewide Franchise Agreement. The Application will be on file with the Secretary of State's Office and the Secretary of State will place the franchise fee amount in each of the individual contracts. Larry Hanson asked that this Agenda Item be withdrawn. Mayor Pro Tem Head stated that the Agenda Item would be withdrawn.

Consideration of a request, under emergency circumstances, to approve a contract with Camp Dresser and McKee, Inc. for the design and construction of two effluent filter replacements for the Mud Creek Wastewater Treatment Plant.

Leon Weeks, Director of Utilities, stated that they have been working on the Mud Creek Wastewater Treatment Plant expansion to take care of the future growth for quite some time. The City hired Camp Dresser and McKee, Inc. (CDM) as one of two firms to assist the City in the rehabilitation, expansion, and upgrade of the wastewater system and treatment facilities. CDM assisted the City in obtaining wasteload allocations from the Environmental Protection Division (EPD) and with funding plans. During the past few months, they have worked to prepare environmental review documents, design development reports, and other activities leading to final design of plans for the expansion of the Mud Creek Wastewater Plant. The treatment system at Mud Creek includes four sets of sand and anthracite media filters to remove solids from the treated water to meet permit limits and each filter set contains two cells. During 2007, one cell in each of two sets began to lose sand and then failed. The remaining filters have lost some media but have not failed. Knowing that the sand media filter technology was out of date for wastewater treatment at very strict limits, the City requested that CDM evaluate whether to rebuild the two cells or to look at newer filter systems that would meet the strict treatment limits imposed by EPD for the expansion. During the past year, the flow at the Mud Creek Plant has increased to very near design capacity due to growth and now that normal rainfall patterns are occurring, the Mud Creek Plant is already having a problem meeting treatment limits. In order to serve all of the new industry that is presently constructing facilities in the basin and the lots presently ready for houses, and with the anticipated new construction that will occur after the sale of the Bray property, the City must keep this plant operating at its peak capacity. A Task Order for this evaluation was included in the CDM Contract Amendment dated October, 2007 and included three options. Option 1 was reconstruction of the broken underdrains and media in the two failed filters. Option 2 was to provide a supplemental filter or filters with newer technology to replace the capacity of the failed filters. Option 3 was to provide newer technology filters with adequate capacity to allow the Mud Creek Plant to meet requirements of the City during the Plant expansion and also have remaining useful life as part of the expansion. CDM found that Aqua Aerobic cloth media filters were guaranteed to meet the limits needed now and in the future and that two, 1 MGD units could be piped and connected into the present treatment system. They also learned that the manufacturer was finishing two filters for another plant whose construction had been delayed. Rather than having to store the units, the manufacturer and their client were willing to allow us to purchase the units which meet all of our requirements with the only stipulation being that we take them immediately so that they could proceed with construction of additional units for the client. In order for the City to do this, we would have to hire someone to design the support system and the piping and electrical connections for the units and also to construct and install the facilities. Leon Weeks recommended that Council authorize the City Manager to complete negotiation of a contract with Camp, Dresser and McKee, Inc. in an amount not to exceed \$1,600,000 for all engineering, materials and construction of two, 1 MGD filters and authorize CDM to proceed with procurement with the condition that all specifications and pricing of the filters are found to be in order.

**A MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (6-0) to follow the recommendation of the Director of Utilities and, under emergency circumstances, approve a request for a contract with Camp Dresser and McKee, Inc. in an amount not to exceed \$1,600,000 for all engineering, materials and construction of two, 1 MGD filters and authorize CDM to proceed with procurement with the condition that all specifications and pricing of the filters are found to be in order for the Mud Creek Wastewater Treatment Plant.

## **LOCAL FUNDING AND REQUESTS**

Consideration of a request to amend the Community Development Block Grant (CDBG) Annual Action Plans for Fiscal Years 2004 and 2005 and approve the proposed use of funds.

Kelley Thomas, Community Development Coordinator, stated that the City is required by the U. S. Housing and Urban Development (HUD) to file an Annual Action Plan outlining the proposed use of CDBG funds. The City has an opportunity to acquire an existing property to be used as a neighborhood facility to house various recreation programs to benefit citizens. Funds in the amount of \$600,000 are available to assist with acquiring the neighborhood facility. The submittal of an amendment to the 2004 and 2005 Action Plans would allow the funds to be used for the acquisition of the facility. Kelley Thomas recommended that Council approve the proposed use of funds for the neighborhood facility and amend the 2004 and 2005 Annual Action Plans. Larry Hanson, City Manager, stated that this was discussed in Executive Session several months ago to acquire a piece of property on Forrest Street. Terms have been agreed upon but the closing will not take place until February 15, 2008 so these funds will be used as a portion needed to purchase that property with the remaining funds coming from SPLOST. Councilman Wright inquired about the breakdown of CDBG funds for this project. Kelley Thomas stated that the use of these funds would not interfere with the Rehabilitation Program and the remaining funds would be used to continue the projects that they are currently working on.

**A MOTION** by Councilman Wright, seconded by Councilman Vickers, was unanimously adopted (6-0) to amend the Community Development Block Grant (CDBG) Annual Action Plans for Fiscal Years 2004 and 2005 and approve the proposed use of funds.

Consideration of an appeal of a denial by the Historic Preservation Commission for demolition of a structure at 214 West Park Avenue.

Emily Foster, Historic Preservation Planner, stated that the applicant applied for demolition of the structure located at 214 West Park Avenue which had suffered damage due to a fire. The Historic Preservation Commission (HPC) denied the request because none of the conditions per the Design Review Guidelines had been met. Ms. Foster stated that the HPC did not abuse its discretion in reaching a decision on this request. Owners of historic properties do have an extra responsibility to maintain those properties and Ms. Foster felt that the applicant was not fulfilling that responsibility. Councilman Eunice inquired as to whether Ms. Foster recommended denial because she did not think he was keeping up the property. Ms. Foster stated that she recommended denial due to the fact that the applicant did not meet any of the four conditions in the Design Review Guidelines for demolition. Those four conditions include the following: (1) Where the public safety and welfare requires the removal of a structure or building, (2) Where economic hardship has not been demonstrated, proven, and accepted by the HPC, (3) Where the structural instability or deterioration of the property is demonstrated through a structural engineer's or architect's report, and (4) This report must clearly detail the property's physical conditions, reasons why the rehabilitation is not feasible, the cost estimates for rehabilitation versus demolition, and where buildings have lost their architectural integrity and no longer contribute to the character of the Historic District. Councilman Eunice inquired as to whether the City Marshals already had a case on this property because it is a public safety issue. Larry Hanson asked Mike Martin, Director of Community Development, to review the violations with the Mayor and Council. Mike Martin stated that there were some structural issues due to the intense fire that are noted in the City Marshal's report which include protective treatment on the outside, structural members, foundation walls, exterior walls, roof and drainage, windows and skylights, and numerous other things that were damaged. The report states that the structure does not meet the requirements of the Property Maintenance Code. The Property Maintenance Code is not dictating whether the structure needs to be torn down at this point, but they are making a case against the property that it does not meet the minimum Codes and the owner will need to do something to abate the situation whether that is to tear the building down and replace it or whether it is to repair the existing building back to its original condition. Mayor Pro Tem Head inquired as to whether the applicant would be required to remove all of the burned wood during repair or whether some of it would be allowed to remain. Mike Martin stated that some of the members could be salvaged but would have to be repaired; however, a lot of it would have to be completely torn out and replaced with new lumber. This could possibly also require a report from a structural engineer. Larry Hanson, City Manager, stated that due to the magnitude of the damage it would exceed the threshold and all the work done would have to meet present day Codes. Mike Martin stated that if it exceeds 50%, and according to the numbers that they received it was in that area or a little more, it would have to meet present day Code standards. Larry Hanson stated that the City's case is that the property is unfit and unsafe. Mike Martin stated that as it stands today the property was unfit and unsafe. Larry Hanson stated that for the benefit of Ms. Foster, she was saying that at the time the HPC heard the case they acted based upon the information they either had or did not have as the case may be. Councilman Wright inquired as to whether the 50% was the cost for

bringing the building back to safe conditions. Mike Martin stated that the 50% rule is that if a structure is damaged and to repair that back would cost more than the 50% of the assessed tax value then it is not considered a total loss; however, it would have to meet today's new building standards and could not be built back under the old standards. Councilman Eunice inquired as to whether Ms. Foster had reviewed a letter from Crews Engineering that Council received today which stated that in the professional engineer's opinion, the structure is not considered a good candidate for renovation repairs due to the amount of complete reconstruction that would be required as a result of the major fire damage, and if she had seen that letter prior to making a recommendation would that have influenced her recommendation. Ms. Foster stated that it would have met one of the conditions; however, she felt that the building still maintains its architectural integrity and integrity of setting which is a major factor for why it was listed as a contributing building in the Brookwood North Historic District. Ms. Foster stated that she would have still recommended denial and let the HPC continue with their decision and recommendation. Mayor Pro Tem Head inquired as to whether the structure would have to meet all four conditions. Ms. Foster stated that it would not have to meet all four conditions. Councilman Yost inquired as to what was historic about the building itself, other than the fact that it is in the Historic District. Ms. Foster stated that it is a very good example of a vernacular Georgian house type such as the Crescent and the Converse-Dalton houses. This is a very good and rare example given its setting on such a large piece of property of a vernacular use of a structure. The only other similar structure that is in Valdosta is on North Oak Street and Toombs Street which is a vacant two story home. Because this house is a unique example of its kind that makes it valuable historically. Councilman Yost inquired as to when the house was built. Ms. Foster stated that it was circa 1910. Councilman Eunice stated that the last category for determining whether a house should remain standing or be torn down is whether or not the building has lost its architectural integrity. Mr. Martin had stated earlier that if the building was renovated or reconstructed it would have to be brought to present day Codes. Councilman Eunice inquired as to whether that would take away from the architectural integrity of the structure. Ms. Foster stated that the basic bones would remain and Historic Building Codes can be used in lieu of the Property Maintenance Codes and the current Codes. Councilman Carroll stated that Ms. Foster had referred to the structure as a contributing structure and asked for clarification on the different types of structures within the Historic District and what their classification stands for. Ms. Foster stated that there are two types of structures, contributing and non-contributing. The contributing buildings are those that still maintain their significance and add to the historic architectural qualities for which a property is significant because it was present during a period of significance. The period of significance for the Brookwood North neighborhood would be the turn of the Century up to 1920. This building does maintain that association with history. Councilman Carroll stated that even though there are some homes within the Historic District that do not contribute to its status, this was a home that contributed to that status. Ms. Foster stated that was correct and that vacant lots and homes that were built after the period of significance would not contribute. Councilman Carroll inquired as to whether a new building built in its place would still have to have a Certificate of Appropriateness to qualify to be built in the Historic District. Ms. Foster stated that any new structure would have to maintain the same massing and scale setbacks as the original structure as noted in the Design Guidelines. Councilman Carroll stated that the Historic Preservation Design Guidelines are going through the same review process that the Land Development Regulations are going through and inquired as to whether Ms. Foster compared this case as to any recommended changes to the HPC Design Guidelines that Council would be adopting. Ms. Foster stated that she did make a comparison and the conditions for demolition and relocation of historic buildings in the revised Design Guidelines are even stricter than the ones we currently have and this case should be denied under those Guidelines as well. Councilman Yost inquired as to whether the Guidelines meant that a new larger structure could be built on the site if the building had burned to the ground. Ms. Foster stated that it would have to maintain the same scale and massing which means that it may be smaller or larger in square footage but the way that the building is in portion to the lot would have to be kept in consideration. Councilman Yost inquired as to what the process would be if something was built that does not meet the Guidelines, Ms. Foster recommended denial, and the HPC denied it. Ms. Foster stated that the HPC decision is final and they can either go along with her recommendation or not. If the HPC did deny a new development it would go before Council. Councilman Vickers stated that he was concerned about the new Guidelines being more stringent than the current ones. Ms. Foster stated that the Guidelines were put into place to preserve and protect the neighborhoods. Councilman Vickers stated that he was going by what Ms. Foster was saying and it would be detrimental to the majority of the black community in his district.

Bill Langdale, Attorney, 1007 South Patterson Street, stated that he lived and worked in historic structures and understood the importance of historic preservation; however, historic preservation is to preserve and not to punish. The Design Guidelines, which are supposed to be applied in a reasonable and fair manner, also provide

conditions under which property in the historic district can be demolished. The first condition is public safety and welfare. The house, which has been substantially destroyed by the fire, has been sited as being unfit for occupancy and has crime tape around it. The roof is destroyed all the way across, and on the east side of the house the smoke came out between the boards indicating the heat and smoke that was generated in that area. The house creates a safety and welfare issue. Mr. Langdale stated that economic hardship is another condition. The house was insured for approximately \$140,000, the Lowndes County Tax Assessor believes that the value of this property is \$166,000, and the best estimate to repair the house is \$200,000. The estimate provided by the insurance company to repair the house in compliance with the Code was \$350,000, and builder Jim Sineath provided an estimate of \$487,000 to comply with the Code. It is obvious that the fire was an accident and to tell the owner that he would be required to rebuild half of the house at a cost between \$350,000 and \$487,000 is unreasonable. Mr. Langdale stated that his client did not have the money to repair the house and inquired as to who was going to pay for it. The normal progression for a house in this shape is that the City would require it to be demolished and that is the course that this property would take if it was not located in the Historic District. The third condition is structural instability. Mr. Langdale stated that he hired, Randy Crews, an engineer, to provide his opinion as to the structural instability of the house. Mr. Crews noted in his letter that the house was one-third totally destroyed and that it was not a candidate for renovation. The fourth condition is architectural integrity. The house has lost its architectural integrity and also had other problems. There is mold throughout the house and in the walls as well as termite damage to the structure. It would be a travesty to require the owner to repair and renovate the house in this condition. Mr. Langdale asked Council's consideration in approving the request to appeal the denial of the Historic Preservation Commission. Councilman Carroll inquired as to how much money it would take to build a new building if the present structure was demolished and what type of building would be constructed. Mr. Langdale stated that the cost would depend on the size of the building and the owner would like to build some condominiums back on the property in keeping with the architectural requirements. Councilman Carroll inquired as to whether the cost would be more than \$350,000. Mr. Langdale stated that he thought it would cost more than \$350,000. Councilman Carroll inquired as to how this could be an economic hardship if the money is going to be spent. Mr. Langdale stated that the owner does not have the money to make the repairs. The insurance company stated that the house is a total loss and the mortgage company received all of the money so it would probably be someone else rebuilding the structure. Councilman Carroll stated that obviously someone would rebuild and noted that Mr. Langdale was also representing Mr. Giddens who has the house under contract. Mr. Langdale stated that was correct. Councilman Carroll stated that money is going to be spent one way or the other. Mr. Langdale stated that with any improvement money would have to be spent. The hardship is that you are required to rebuild a 70-year old building and spend almost \$500,000. The building could be renovated at a cost of \$1 million dollars but it would not sell it for that amount. Councilman Carroll stated that he was trying to delineate financial hardship versus financial opportunity. A new building would generate higher rents and density level and would translate into higher revenue. The goal is to demolish the building and build a new one that would generate more revenue so it becomes a financial opportunity. Larry Hanson, City Manager, stated that was income potential and was unknown what that would be if it was rebuilt.

**A MOTION** was made by Councilman Eunice to grant the request to approve the appeal of a denial by the Historic Preservation Commission for demolition of a structure at 214 West Park Avenue. Councilman Vickers seconded the motion. Councilman Vickers stated that when the boundary lines for the Historic District were drawn they did not know what they were doing. He was concerned about the new Guidelines. As a Council person and resident on the west side of town he was looking for some relief from the deterioration of neighborhoods and with more stringent rules it is scary. Councilman Carroll stated that they needed to recognize the Historic Preservation Commission. When things are torn down you are not preserving them. Also, if Council is sitting here saying that the HPC abused their powers based on Section 15 of the Ordinance, then we need to be careful because we are going to set a precedent. Councilman Eunice stated that he did not make a motion that the HPC had abused their power. Councilman Carroll stated that they have to do that in order to override the HPC according to the Ordinance. George Talley, City Attorney, stated that Section 16 of the Ordinance also calls for undue hardship and that the rules could be changed. Councilman Carroll stated that the City Attorney's interpretation was that Council could proceed with that clause that bypasses Section 15. George Talley stated that Section 16 states that where, by reason of unusual circumstances, the strict application of any provision of the Ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship. George Talley stated that Mr.

Langdale's argument for economic hardship would point to that but it would not be a precedent because every case is different. Councilman Vickers stated that this was not the first time that Council has heard an appeal case. Councilman Carroll stated that he was concerned about the applicant owning another piece of property in the Historic District and he would be afraid to set into motion anything that could be used against them in the future that encourages buying historic properties and not understanding that there are certain responsibilities that go with owning historic properties. He wanted to understand the significance of what Council was about to do. Councilman Wright stated that he understood about the Guidelines and the City has deemed the building unsafe which was one of the conditions. Also, Mr. Martin mentioned the 50% rule and when you are looking at \$500,000 to repair the property when the Tax Assessors appraised it at \$200,000 that is undue hardship whether the owner has the money or not. Councilman Eunice stated that Councilman Carroll has many years of experience in historical planning and regular planning and he respected that expertise; however, a situation was shown that this would be an economic hardship to repair the building, it is unsafe and an eyesore, and according to the professional engineer's opinion it should not be repaired. The reason that the issue is before Council is because of the amount of damage that was caused to the structure by the fire and smoke. Councilman Eunice stated that with the issues and information that provided to Council tonight he was in support of the applicant's request. The motion was adopted (5-1) with Councilman Carroll voting in opposition.

Mayor Pro Tem Head stated that State Representative Amy Carter had asked for a few minutes of personal privilege to make a presentation. Representative Carter thanked the Mayor and Council for the opportunity to appear before them and presented a resolution from the State House of Representatives honoring Larry Hanson, City Manager, for his knowledge and expertise in governmental matters and for his service to the State of Georgia. Larry Hanson stated that this was quite an honor and thanked Representative Carter and members of the delegation.

Consideration of a request to approve sponsorship of a table at the Peach State Summer Theater (PSST).

Larry Hanson, City Manager, stated that the Peach State Summer Theater, which is a division of Art South, will hold a Cabaret Dinner Theater, which is their annual fundraiser, on January 26-27, 2008 at St. John's Catholic Church. Tables for eight can be purchased for \$320, and the money for this will be used for talent and theater scholarships. Larry Hanson asked Council's consideration in sponsoring a table for eight in the amount of \$320 at the Cabaret Dinner Theater.

**A MOTION** by Councilman Vickers, seconded by Councilman Wright, was unanimously adopted (6-0) to follow the recommendation of the City Manager and approve sponsorship of a table for eight in the amount of \$320 at the Peach State Summer Theater (PSST) Cabaret Dinner Theater.

**RESOLUTION NO. 2008-3, A RESOLUTION FOR PROPOSED LEGISLATION TO BE SUBMITTED TO THE GENERAL ASSEMBLY TO CREATE THE VALDOSTA-LOWNDES COUNTY PARKS AND RECREATION AUTHORITY**

Consideration of a resolution for proposed legislation to be submitted to the Georgia General Assembly to create the Valdosta-Lowndes County Parks and Recreation Authority. Mayor/Council postponed the request at the January 10, 2008 regular meeting until the January 24, 2008 regular meeting.

Mayor Pro Tem Willie Head, Jr. entertained a motion to adjourn the Council meeting and enter into an Executive Session for the purpose of discussing potential settlement of proposed legislation to be submitted to the Georgia General Assembly to create the Valdosta-Lowndes County Parks and Recreation Authority.

**A MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the January 24, 2008 meeting of the Valdosta City Council at 7:03 p.m. and enter into Executive Session.

Mayor Pro Tem Head reconvened the regular City Council meeting at 7:53 p.m. and stated that there was discussion of a potential settlement for proposed legislation to be submitted to the Georgia General Assembly to create the Valdosta-Lowndes County Parks and Recreation Authority in the Executive Session.

Mayor Pro Tem Head entertained a motion for the Agenda Item.



**A MOTION** was made by Councilman Yost to take the following action: (1) Reject the concept of a nine member Authority due to the fact that it alters the carefully negotiated agreement between Valdosta and Lowndes to have an equal number of appointments. (2) Request the Board of Commissioners vote on the two proposals offered by the City as follows: Option 1, which follows closely to the original agreement made in December, 2007 by both governing bodies – Create a seven-member board consisting of three Valdosta, three Lowndes, and one rotating member among the four smaller cities. This keeps the seven member board and replaces the alternating seat between Valdosta and Lowndes with a rotating seat among the four smaller cities; Option 2 – Create an eight member board consisting of three Valdosta, three Lowndes, one rotating among the smaller cities, and one alternating between Valdosta and Lowndes, with a non-voting chair. This keeps the original concept we agreed to and merely adds a seat for the four smaller cities to share on a rotating basis. (3) If Lowndes votes to deny both options, the City will reluctantly agree to the seven-member concept approved on December 3, 2007. (4) Approve the Authority legislation and supporting resolution to include the proposed change on Page 33, Section 18 regarding salary and benefits. Councilman Eunice seconded the motion. Councilman Yost stated that the City has discussed this at length and tried to meet with the County this week. The City Manager and City Attorney spoke with the County Manager and County Attorney and they were unwilling to meet with a group from the City to continue the negotiations; therefore, Council is taking the action tonight that was made in the motion. This body has never wanted to exclude any of the smaller cities from day one in voting rights and to serve on this Authority. In all of the proposals that the County has made, they also would like to give rights to the smaller cities in their nine-person proposal that Council is rejecting. They give the smaller cities the right to vote with one member but they also gain a seat themselves and that is not what this is about. It is about equality among the cities and the governing bodies and the County is trying to take advantage of adding a seat for the smaller cities by giving themselves one more extra seat. From the beginning the Council has made it clear that we want the smaller cities represented and Council has made that clear in the motion tonight. The motion was unanimously adopted (6-0) to enact Resolution No. 2008-3, the complete text of which will be found in Resolution Book IV.

**CITY MANAGER’S REPORT**

Larry Hanson, City Manager, stated that he wanted to update Council on several construction projects. The Hunter’s Point Subdivision detention pond issue has been resolved and the property owners in that area are satisfied. The Millpond project has been completed and several major rain events have filled it up and it worked just as it was designed. The Millpond Dam Project will be part of the Jerry Jones Road Widening Project. The City will also be posting “No Trespassing Signs” around the pond because it is a stormwater detention pond. Also, the Brown’s Canal detention facility has been completed.

The Chamber of Commerce’s Annual Dinner will be held on Tuesday, January 29, 2008 at the James H. Rainwater Conference Center and tickets for the event have been distributed to Council.

The Consultant Selection Committees are proceeding and the Minority Business Development Program is well underway.

**COUNCIL COMMENTS**

There were no Council comments.

**ADJOURNMENT**

Mayor Pro Tem Head entertained a motion for adjournment.

**A MOTION** by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (6-0) to adjourn the January 24, 2008 meeting of the Valdosta City Council at 8:02 p.m. to meet again in regular session on Thursday, February 7, 2008.