

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JANUARY 9, 2014
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Robert Yost, Sandra Tooley, and James Wright. The invocation was given by Mayor John Gayle, followed by the Pledge of Allegiance to the American Flag.

ELECTION AND OATH OF OFFICE

READING OF THE ELECTION RESULTS FOR THE GENERAL MUNICIPAL ELECTION AND THE RUN-OFF ELECTION BY THE CITY MANAGER

Larry Hanson, City Manager, stated that the results of the General Municipal Election held on November 5, 2013 and the Runoff Election held on December 3, 2013 have now been certified by the Board of Elections. The results are as follows: (1) City Council District 2 - Calvin Graham, Sr. 137 votes (33.25%), John Hogan received 75 votes (18.20%), Sandra J. Tooley 198 votes (48.06%), and Write-in votes were 2 (0.49%); (2) City Council District 4 - Junior S. Jackson received 129 votes (30.42%), Alvin Payton, Jr. (Incumbent) received 291 (68.63%), and Write-in votes were 4 (0.94%); (3) City Council District 6 - Richard S. Miller received 386 (42.28%), Joseph Wheeler received 49 votes (5.37%), Robert Yost (Incumbent) received 474 votes (51.92%), and Write-in votes were 4 (0.44%). Winners of the Municipal Election were (1) City Council District 4 - Alvin Payton, Jr. (Incumbent), and (2) City Council District 6 - Robert Yost (Incumbent). A Runoff Election for District 2 was held on December 3, 2013 and Calvin Graham, Sr. received 78 votes (44.57%) and Sandra J. Tooley received 97 (55.43%). The winner of the Runoff Election for District 2 was Sandra J. Tooley. Results for the Valdosta City School Board were as follows: (1) District 1- Lizzie Shumphard received 249 votes (61.03%), Edgar Tooley received 157 votes (38.48%), and Write-in votes were 2 (0.49%); (2) District 2 - Vanassa L. Flucas (Incumbent) received 283 (72.56%), James L. Nelson received 104 (26.67%), and Write-in votes were 3 (0.77%); and (3) District 3 - Warren "Sweet" Lee (Incumbent) was unopposed and received 209 votes (96.76%), and Write-in votes were 7 (3.24%).

OATHS OF OFFICE FOR COUNCIL DISTRICTS 2, 4, & 6

The Honorable Superior Court Judge James G. Tunison, Jr. of the Southern Judicial Circuit administered the Oath of Office to Councilwoman Sandra Tooley, District 2. The Honorable Superior Court Judge Richard M. Cowart of the Southern Judicial Circuit administered the Oath of Office to Councilman Alvin Payton, Jr., District 4, and Councilman Robert Yost, District 6. Copies of the Oaths of Office are on record in the permanent file of the January 9, 2014 regular meeting of the governing body.

ELECTION OF THE MAYOR PRO TEM

Mayor Gayle entertained nominations from Council for the office of Mayor Pro Tem. Councilman Vickers placed in consideration the name of Councilman Alvin Payton, Jr. There being no other nominations, Mayor Gayle closed nominations. Councilman Payton was elected as Mayor Pro Tem by acclamation.

OATH OF OFFICE FOR MAYOR PRO TEM

The Honorable Superior Court Judge Richard M. Cowart of the Southern Judicial Circuit administered the Oath of Office for Mayor Pro Tem to Councilman Alvin Payton, Jr. A copy of the Oath of Office is on record in the permanent file of the January 9, 2014 regular meeting of the governing body.

PRESENTATION OF THE 2013 GREATER VALDOSTA CHRISTMAS PARADE AWARDS

Mayor Gayle stated that the 2013 Greater Valdosta Community Christmas Parade was held on Saturday, December 7, 2013. Sponsors for the event were the Ossipe Temple #65, the Valdosta Daily Times, and the City of Valdosta. Mayor Gayle and members of Ossipe Temple #65 presented the following Christmas Parade Awards: Third Place – Choices for Life of Georgia, Second Place – Outback Riders, and First Place – Valdosta Diamond Sports. The proceeds raised by Ossipe Temple #65 through parade entry fees were donated to various charities.

PRESENTATION OF THE JANUARY, 2014 EMPLOYEE OF THE MONTH AWARD

Consideration of the January, 2014 Employee of the Month Award (Shirley Britt, City Manager & Mayor's Office).

Shirley Britt began her employment with the City of Valdosta City Manager and Mayor's Office April, 2001 as a Secretary. In March, 2006, due to a change of responsibilities, her title was changed to Associate City Clerk which is the position she currently holds. As the Associate City Clerk, Shirley is responsible for performing administrative duties for the City Manager and Mayor's office in an environment where confidentiality, professionalism, and a positive and friendly attitude are of utmost importance. Each year, the City of Valdosta hosts a holiday luncheon for its many employees. This event is planned and executed by the Employee Relations Committee (ERC). For the past two years, Shirley has been the Chairperson of the ERC and has taken the lead on the luncheon. Shirley worked tirelessly to make sure that the luncheon is as close to perfect as it can be for our employees. Shirley initiated our 50/50 raffle as a way for the ERC to generate funds to offset the costs of events throughout the year. She also works with local businesses to get great items donated to be used as door prizes for City of Valdosta employees. Both the raffle and door prizes are great incentives to get employees interested in participating in the luncheon. Shirley coordinates every detail of the luncheon from ordering food from multiple local vendors to ensuring the facility has everything needed to make sure the event is a success. The past few employee luncheons have been a tremendous success and employees have given rave reviews of the improvements in food, door prizes, and the overall quality of the luncheon. For these reasons and many others, the Employee Relations Committee nominated Shirley Britt as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the December 5, 2013 Regular Meeting were approved by unanimous consent (7-0) of the Council.

PUBLIC HEARINGS

A REQUEST TO CLOSE AN ALLEY LOCATED BETWEEN EAST MOORE STREET AND EAST COLLEGE STREET

Consideration of a request to close an alley located between East Moore Street and East College Street. This request was tabled at the December 5, 2013 Regular Council Meeting until the January 9, 2014 Regular Council Meeting.

Mayor Gayle entertained a motion to remove the request from the table.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to remove the request to close an alley located between East Moore Street and East College Street from the table.

Mayor Gayle asked George Talley, City Attorney, to provide Council members with an update on the alley. George Talley stated that he had conducted some research on the alley and found several deeds of record making reference to an alley 18 feet wide on the west side of Ashley Street at the end of the lots. The deeds make reference of offering it to the City for the purpose of a public alley; however, he could find no reference of where the City ever accepted this alley. He also went to the actual site to conduct an inspection and found that there are some very large diameter trees in what would be an 18' alley if it had ever been accepted. It is without doubt that the City did

**A REQUEST TO CLOSE AN ALLEY LOCATED BETWEEN
EAST MOORE STREET AND EAST COLLEGE STREET (CON'T)**

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not accept the offer of the alley and in fact, it appears that the City has physically abandoned it. George Talley stated that it would be proper to make an official abandonment of it for the record. Mayor Gayle stated that at the last Council Meeting there was one person who spoke in favor of the request and one person who was in opposition and inquired as to whether there was anyone at the Council Meeting tonight who would like to speak in favor of the request.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to close an alley located between East Moore Street and East College Street.

A REQUEST TO ABANDON AN UNUSED PORTION OF RIGHT-OF-WAY ON CLARK STREET

Consideration of a request to abandon an unused portion of right-of-way on Clark Street.

Pat Collins, City Engineer, stated that for a number of years there has existed an unused and unopened section of right-of-way extending to the west from Clark Street at its intersection with Lamar Street approximately 280 feet to the Norfolk Southern Railroad Right of Way. Scruggs Concrete Company has requested that the City abandon this right-of-Way. As the only adjacent owner, Scruggs Concrete Company has signed a petition. Currently there is a drainage ditch that runs westerly from Clark Street along the unopened right-of-way. This ditch drains Clark Street and surrounding areas. As this is a large ditch, a drainage easement would need to be retained over the entire 40 foot width of the unopened right-of-way. There are no utilities within this right-of-way. The public notice ran for the appropriate length of time and all Departments were notified about the request. Pat Collins recommended that Council approve the request to abandon an unused portion of right-of-way on Clark Street.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to abandon an unused portion of right-of-way on Clark Street.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2014-1, AN ORDINANCE AMENDING THE ENTERTAINMENT ORDINANCE

Consideration of an Ordinance to amend the Entertainment Ordinance.

Police Chief Brian Childress stated that in the past two years, both the City of Valdosta and Lowndes County have experienced a trend regarding the opening of entertainment establishments which do not sell or allow for the consumption of alcoholic beverages on their premises. These businesses refer to themselves as event centers, teen clubs, dance clubs, and/or after-hours clubs. Under our current City Ordinance, retail consumption establishments who allow for the consumption of alcoholic beverages on their premises must close at 2:00 a.m. each morning; however, for those establishments which do not have an alcoholic beverage license, there are currently no restrictions for closing of these establishments at a certain time. Since 2011, law enforcement in the City and Lowndes County have experienced increased calls for service demands by entertainment establishments which do not have an alcoholic beverage license and advertise themselves as event centers, teen clubs, dance clubs, and/or after-hours clubs. The calls for service include but are not limited to fights, intoxicated persons, illegal drug use and possession, gang related activities, and firearm related issues. These calls create a burden to public safety and leave other areas of the City without proper coverage while forcing increased focus on these establishments. They have also received complaints from local businesses who do have alcohol licenses because they feel it is unfair that they are required to close at 2:00 a.m. because they have a license and the other businesses are giving up

their alcohol license in an effort to stay open. Chief Childress recommended that Council approve the Ordinance amending the Business and Licensing section for Entertainment Establishments. Councilman Vickers inquired as to when the Ordinance would go into effect and if there was a grace period. Chief Childress stated that there was no grace period as it is currently written and the Ordinance would go into effect the minute it is approved. Larry Hanson, City Manager, stated that Council could stipulate a 60-day or 90-day grace period. Chief Childress stated that the Ordinance was written in order to be fair to all establishments and to be consistent. Councilman Vickers inquired as to whether the Ordinance would have any effects on the hotel/motel industry. Larry Hanson, City Manager, stated that it would not because they already have an alcohol license so they are required to close at 2:00 a.m. Councilman Yost inquired about the definition of a teen club and whether there was a curfew for anyone under a certain age. Chief Childress stated that there is a State curfew and it falls under the Unruly Child Act for the State of Georgia. The curfew is midnight to 6:00 a.m. Not all of these patrons are juveniles but a vast majority of them are. Larry Hanson, City Manager, stated that we are defining entertainment establishments and not just teen centers. There is not a legal definition of a teen center and it would be whatever the business itself is defined as. Councilman Yost stated that he had a problem with teens being out past midnight in these entertainment establishments and inquired as to why the owners are not being fined for allowing them to still be in the establishment. Chief Childress stated that teen centers do not have an alcohol license so they cannot serve alcohol on the premises. They are giving up their alcohol license to stay open past the time indicated in the Alcohol Ordinance. The Valdosta Police Department and the Lowndes County Sheriff's Office have both filed charges not only against these establishments but the individuals themselves. Councilman Carroll stated that since some of these entertainment establishments may have morning functions such as a wedding reception and inquired as to whether holding them to 10:00 a.m. may impede their ability to lease a facility out. Larry Hanson stated that he was not aware of any entertainment establishment having a wedding reception. This Ordinance is regulating facilities and not uses.

A **MOTION** was made by Councilman Yost to approve the Ordinance to amend the Business and Licensing Section for Entertainment Establishments. Councilman Vickers seconded the motion. Larry Hanson, City Manager, inquired as to whether Council wanted to allow a grace period prior to the effective date. Councilman Vickers stated that he would like to have the Ordinance go into effect after 60 days. Councilman Yost was in agreement. The motion to enact Ordinance 2014-1 was unanimously adopted (7-0), the complete text of which will be found in Ordinance Book XIII.

BIDS, CONTRACTS, AGEEMENTS, AND EXPENDITURES

Consideration of a request to approve bids for the extension of water and sewer services to Annexed Island Phase 1 - Island 77C.

Pat Collins, City Engineer, stated that the City Council approved contracts with three local engineers to design water and sewer improvements to serve the property in former unincorporated islands that were annexed into the City in 2006. Bids were received at 2:00 p.m. on Thursday, December 19, 2013 for Island 77C which includes Colin, Kelly, Maude, and Jordan Streets. The low bid was received from Radney Plumbing in the amount of \$688,006.50. The Engineering estimate was \$803,594.00. Pat Collins recommended that Council approve the low bid submitted by Radney Plumbing in the amount of \$688,006.50 plus a 10% contingency to handle any unforeseen circumstances.

A **MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (7-0) to approve the low bid submitted by Radney Plumbing in the amount of \$688,006.50 plus a 10% contingency to handle any unforeseen circumstances for the extension of water and sewer services to Annexed Island Phase 1 - Island 77C.

Consideration of a request to approve a Contract for Smoke Testing of the City of Valdosta's Sewer System.

Henry Hicks, Utilities Director, stated that one of the agreed upon requirements of the recently issued Consent Order with the Georgia Environmental Protection Division was to complete smoke testing of the entire sanitary sewer system by December, 2018. In October, 2013, the Utilities Department Advertised for Proposals to

perform smoke testing on the entire sewer system over a five-year period and then held a pre-bid conference. Five firms responded, and a selection committee met on November 21, 2013 to short list the top three ranked firms based on qualifications and then open quotations submitted by only those companies. The top ranked company, Constantine Engineering, also submitted the best pricing for this work at \$122,920 per year with an allowance for annual escalation costs, based on Georgia Bureau of Labor Statistics, after 2015. The proposed contract for this work has been reviewed and approved by the City Attorney. Since all work must be completed before December, 2018 leaving only four years to complete all the work, the Utilities Department and Constantine Engineering have agreed to combine the work planned for the last two years of the Contract into one year to avoid a potential deadline default of the Consent Order. As a result, Staff is recommending approval of a four-year contract with Constantine Engineering for smoke testing of the sanitary sewer system. The annual amount of the contract is \$122,920 per year for 2014 and 2015, and then \$122,920 plus escalation costs (base on Georgia Bureau of Labor Statistics data) for 2016 and \$242,840 with escalation costs in 2017. The 2017 costs include a deduction of \$3,000 from that subsection report. SPLOST VII funds will be used for this project. Henry Hicks recommended that Council approve the Contract with Constantine Engineering for Smoke Testing of the City of Valdosta's Sewer System.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to approve a Contract for Smoke Testing of the City of Valdosta's Sewer System.

Consideration of a request to approve an Interagency Agreement with the National Oceanic and Atmospheric Administration (NOAA) for flood mapping and modeling.

Pat Collins, City Engineer, stated that in April, 2009 and February, 2013, portions of the City of Valdosta near the confluence of Sugar Creek, Two Mile Branch, and Withlacoochee River received significant flooding. In March, 2013, following the latest event, the City wrote the U. S. Army Corps of Engineers (USACE) and requested their assistance to address this regional issue. Within a week of the letter being submitted, the USACE responded and scheduled a meeting on April 11, 2013 in Valdosta with representation from the Silver Jackets Program, the Federal Emergency Management Association (FEMA), the Georgia Emergency Management Association (GEMA), the Environmental Protection Division (EPD), the Georgia Department of Natural Resources (DNR), the U. S. Geological Survey (USGS), the Regional Water Council, and National Weather Service in order to address the regional flooding issues. They also had representatives from all three of our Congressmen's Office and both of our Senator's Offices. The U. S. Army Corps of Engineers acknowledged that they need to be part of the solution and that a study needs to be conducted as far north as Cordele and going all the way to the Gulf of Mexico. The City of Valdosta is committed to address the issues and work with all of these agencies. This was a great first step towards resolving the flooding problems. The USGS has committed to come here within two months and bring the National Weather Service to look at updating some of their forecasting and models. The City of Valdosta would like to acquire current Light Detection and Ranging (LIDAR) and/or aerial photography for use in GIS analysis and/or map making purposes for flood mapping and modeling. The Agreement is between the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS), Coastal Services Center (CSC), and the City of Valdosta and the CSC would provide geospatial services and data to the City of Valdosta. Pat Collins recommended that Council approve the Interagency Agreement with the National Oceanic and Atmospheric Administration (NOAA) for flood mapping and modeling. Councilman Vickers inquired as to whether this was the same Agreement that Council approved with the U. S. Army Corps of Engineers. Pat Collins stated that this Interagency Agreement is related to that Project with the U. S. Army Corps of Engineers and this Agreement will allow us to work with NOAA in getting aerial photography and mapping. Larry Hanson, City Manager, stated that this is what is needed in order to design a solution with the U. S. Army Corps of Engineers which will help us to become eligible because they can identify it as a need for a Federally-eligible project. The LIDAR will provide the information that the engineers need to actually design solutions so without this we could not have any future design work. The Army Corps of Engineers believe this work is going to be eligible and they plan to seek Federal funds to help support the improvements which will be far greater costs than the cost of the LIDAR. All the governments in this region are being asked to participate in this and the more that do participate then the lower the cost will be. Lowndes County has already approved this Agreement and the counties north of us are being given an opportunity to approve it as well.

A **MOTION** by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to approve an Interagency Agreement with the National Oceanic and Atmospheric Administration (NOAA) for flood mapping and modeling.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that following are several upcoming events: (1) Mayor and Council Retreat to be held January 10-11, 2014 at the Lenox River Ranch in Lenox, Georgia, (2) City Government 101 Class to begin April 7, 2014 and the deadline to apply is March 14, 2014, (3) Bird Supper to be held February 12, 2014 at 5:00 p.m. at The Depot in Atlanta, and Mayor's Day to be held January 24-26, 2014 in Atlanta.

Larry Hanson, City Manager, stated that Valdosta was recently named as one of five cities as a Georgia Exceptional Main Street City by the Georgia Department of Community Affairs (DCA). DCA will provide additional technical assistance to these five exceptional cities over the next three years to assist us in meeting specific goals and needs. Mayor Gayle, Howard Dasher, III (Chairman of the Central Valdosta Development Authority), Amanda Peacock, and the City Manager traveled to Atlanta and interviewed for several hours in order to win out over 14 cities seeking this designation. Valdosta and Rome are two of the larger cities that were approved.

Larry Hanson, City Manager, thanked everyone who attended the Martin Luther King, Jr. Commemorative Association Dinner. It was a very nice event and one of our former employees, Mara Register, was honored this year. There is also a program on Sunday, January 19, 2014 at 3:00 p.m. at St. Paul AME Church, and the Youth Program will be held on Monday, January 20, 2014 at 11:00 a.m. at Mathis Auditorium.

Larry Hanson, City Manager, stated that we have advertised the Force Main Project and the interest has been very strong. They held a required pre-bid meeting yesterday and today for interested contractors and vendors. We are bidding this in three packages because it is a very big and complex project (\$32-35 million). For those interested, they can bid on one of the three individual packages or they can bid on two or all three. Just for the pump station portion (Remerton, Gornto Road, and Highway 94), there were 12 prospective bidders that attended. For the gravity and force main portion, which is mainly the 30 inch and the 42 inch lines that will encompass approximately five miles, there were 30 prospective bidders. For the headworks and equalization tank, which will be at the new Treatment Plant, there were 28 prospective bidders present. The bid opening will take place March 3, 2014.

COUNCIL COMMENTS

Mayor Gayle stated that recently Valdosta was named as one of the best performing cities in the nation in a study of 200 small cities conducted by Milliken. Valdosta came in 51st and last year we were 101. The only city in Georgia ahead of us was Gainesville, Georgia.

Councilman Alvin Payton, Jr. inquired as to when Council would receive an on the home renovations program. He has had several citizens ask him about the status. Larry Hanson, City Manager, stated that he would provide Councilman Payton with an update.

CITIZENS TO BE HEARD

Logan Birdsong, co-owner of Maria's Lounge on East Park Avenue, stated that the Ordinance that was passed tonight on entertainment establishments will adversely affect his business. He and his wife, Maria, have been in business in Valdosta for over 40 years. They have always run their establishments according to the letter of the law and they are the only ones left to his knowledge in the "after hours" clubs. They are open on Friday and Saturday nights from 2:00 a.m. to 6:00 a.m. Mr. Birdsong stated that he did not know anything about this Ordinance until this past Monday and he had no time to prepare for it. It will destroy their business and they will lose everything they have because they will have no way to make an income. Maria is now 73 years old and he is 75 years old. They have a little Social Security and the money they were making from this Club was holding them.

They have had the property on the market for approximately 15 months to get out of the business but they have had no buyers or takers. Mr. Birdsong asked Council's consideration in granting them a Grandfather Clause for six to twelve months or until they can sell the property. They have things they need to settle and if they have to live with this Ordinance starting tomorrow they will be completely ruined. Mayor Gayle stated that the Ordinance does have a 60-day grace period. George Talley, City Attorney, inquired as to what activities take place in his establishment from 2:00 a.m. to 6:00 a.m. Mr. Birdsong stated that they have a DJ in the Club that plays music and they sell cokes, Red Bull, and water. When people leave one Club they are not ready to quit partying at 2:00 a.m. and most of them do not get started until 11:00 p.m. or midnight. Mr. Birdsong stated that they take a lot of these people off the streets until they are sober. They are in one place and that is in the Club and they are not out running all over town. They have people at the door who ensure that the patrons are at least 18 years old and they have signs posted that say, "No alcoholic beverages allowed in the Club or sold in the Club." They also hire two City Police Officers to be there on Saturday nights to help them with crowd control. They have done everything they know to do to make it safe and enjoyable.

Linda Battle stated that 2:00 a.m. is a decent hour to stop partying but there are some people who are not ready to stop at that time. There are people who have birthday parties, anniversaries, and wedding receptions after hours in these entertainment establishments. Ms. Battle inquired as to whether it would affect those people as well. Mayor Gayle stated that if they hold these events at an entertainment establishment it would have an effect on those people.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A **MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to adjourn the January 9, 2014 Meeting of the Valdosta City Council at 6:46 p.m. to meet again in Regular Session on Thursday, January 23, 2014.

City Clerk, City of Valdosta

Mayor, City of Valdosta