

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, OCTOBER 23, 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., Sandra Tooley, and James Wright. Councilman Robert Yost arrived late at 5:56 p.m. and Tim Tanner, Attorney with Coleman-Talley, LLP, filled in for City Attorney George Talley who was absent. The invocation was given by Pastor Stephen Johnson, Freedom Outpost, followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

The minutes of the Valdosta City Council Regular Meeting held on October 7, 2014 were approved by unanimous consent (6-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2014-24, AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR AN ELEMENTARY SCHOOL IN A SINGLE-FAMILY RESIDENTIAL (R-10) ZONING DISTRICT**

Consideration of an Ordinance for a Conditional Use Permit for an elementary school in a Single-Family Residential (R-10) Zoning District as requested by Scintilla Charter Academy Inc. (File No. CU-2014-08). The property is located at 2171 East Park Avenue. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended approval with four conditions (9-0 vote). This request was tabled for two weeks at the October 7, 2014 Regular Meeting until the October 23, 2014 Regular Meeting.

Matt Martin, Planning and Zoning Administrator, stated that this item was tabled on October 7, 2014 by the City Council at the request of the applicant until the next Council meeting on October 23, 2014. Because this was tabled for only two weeks, no re-advertisement was required. There have been no changes with this Conditional Use Permit (CUP) request since the meeting on October 7<sup>th</sup>. Scintilla Charter Academy Inc. is requesting a Conditional Use Permit (CUP) for an elementary school in a Single-Family Residential (R-10) Zoning District. The property is L-shaped and consists of 66.95 acres located at 2171 East Park Avenue. This is along the north side of the road, on both sides of the J. L. Newbern Middle School; however, the proposed school site (approximately 15 acres) is in the eastern leg of the "L" which is toward Lonesome Dove Road. The property is currently vacant and the applicant is proposing to construct a public Charter School for grades K-5. The property is located within both a Neighborhood Activity Center (NAC) and a Parks/Recreation/Conservation (PRC) Character Area on the Future Development Map of the Comprehensive Plan. The applicant is proposing to construct the school in phases with the first phase being grades K-3, and then adding grades 4 and 5 in the following 2-3 years. The first phase of construction will consist of an administration/support building (17,700 square feet) plus two classroom buildings (8,000 square feet each). Future phases are anticipated to add a gymnasium (6,000 square feet) as well as expand the classroom buildings (to approximately 14,000 square feet each). With the future expansions, total building area will be about 52,000 square feet and total enrollment is anticipated to be approximately 500 students (open to residents in all of Lowndes County). The property is very large with much of the area (western portion) being consumed by Knights Creek and its associated floodplain and wetlands. A little more than half of the developable area (eastern portion) is planned for the actual school site. Most of the remainder is set aside as right-of-way for the extension of Northside Drive which will run along the school's southern border. This road extension is featured in our Long-Range Transportation Master Plan and will serve as the means for vehicular access to the school. Most of the surrounding land use pattern is still largely undeveloped; however, it is dominated by J. L. Newbern Middle School which borders the site to the southwest as well as the rural single-family neighborhood along Lonesome Dove Road to the northeast. The proposed school is smaller than the existing adjacent Middle School. The proposed campus design is spread out with more than sufficient space for onsite parking and student drop-off, as well as future expansions. It is well-buffered from the adjacent neighborhood to the north and it is compliant with all of the City's supplemental standards for grade schools. This is a land use decision within a particular zoning district and anything that is approved would have to go through the full development review and permitting

process. It is subject to numerous rules and regulations that would be applicable to any development on this property. These criteria are as follows: (1) Whether or not the proposed use is consistent with all the requirements of the Zoning District in which it is located including required parking, loading areas, setbacks, and transitional buffers, (2) Compatibility of the proposed use with land uses on adjacent properties including the size, scale, and massing of buildings and lots, (3) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site, (4) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities to serve the proposed use, (5) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use, (6) Whether or not he proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed used, and (7) Whether or not the proposed use will create adverse impacts on any environmentally sensitive areas or natural resources (wetlands, floodplains, etc.). These are criteria from the City's Land Development Regulations (LDR) and they are used as part of Staff's basis when they prepare their report and recommendation. Staff and the Planning Commission have answered affirmatively to all seven of these criteria. This proposed use of the property as a school is very compatible with the surrounding land use pattern and it will help serve as a catalyst for future development in the area. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommend approval to City Council subject to the following conditions: (1) Conditional Use approval shall be granted for an elementary school (grades Pre-K to 5), including school recreational facilities, based on the general layout of the submitted site plan and with a total building area not to exceed 65,000 square feet. Site design shall comply with all applicable LDR standards for such schools. Outdoor activities shall be limited to daytime and early evening hours not exceeding 9 p.m. (2) Connect to City of Valdosta water and sewer services, and reserve sufficient right-of-way for the extension of Northside Drive (minimum 80' wide). (3) A minimum 50' wide landscaped buffer shall remain as undisturbed along the northern property line. Additional native trees and shrubs shall be planted to fill in the "bare patches" of this existing buffer area, as approved by the City Arborist in accordance with the site's approved Landscape Plan. (4) Conditional Use approval shall expire after three years if the school is not operating onsite by that date. The Planning Commission reviewed this at their September 29, 2014 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the four conditions above as recommended by Staff (9-0 vote).

Councilman Wright stated that in the Conditional Use Review Criteria, Staff made reference in Item (3) that the traffic access would be from a new proposed Collector road in close proximity to an existing Minor Arterial road and inquired as to whether that was Northside Drive. Matt Martin stated that was correct and that it was in the Transportation Master Plan for the City to extend Northside Drive through this property to east Park Avenue. This is scheduled for completion after the year 2021 to 2025. The school will be operational next fall. Larry Hanson, City Manager, inquired as to whether the first phase of the road would be built by Scintilla Charter. Matt Martin stated that they would use that as their driveway entrance but it would become a future roadway. Councilman Wright stated that they may need to look at getting the Northside Drive moved up since it will be the Collector road. Larry Hanson stated that was a project that was looked at as long range and there was nothing to drive the project. It was intended as all this property and the Bray land developed it would help to manage traffic better. Essentially, they are putting in the first piece of the road that would serve the school and in the future it would be extended back around to Jaycee Shack Road.

Bill Langdale, Attorney for the applicant, 1007 North Patterson Street, spoke in favor of the request. Mr. Langdale stated that in all zoning considerations there are zoning regulations that govern when and how you can develop property. In the mid to late 1970's, Lowndes County passed the zoning regulations and Valdosta may have enacted their zoning in the late 1960's. Prior to that, an individual could use his property any way he wanted to. You start off with the premise that someone should be able to use their property in any reasonable way unless it is a public purpose that it be restricted in some way. The City has enacted a very comprehensive and thorough Ordinance to protect the land owner and the public. When an applicant files a request for Conditional Use they are given an application which provides seven standards for exercising that zoning power. If you review those seven standards, they are all answered unequivocally in the affirmative that they do not create any adverse impact on the City's infrastructure or the neighboring property. This means that they should be qualified for a Conditional Use Permit. Even the City Departments and the Planning Commission had no objections to the request with the four

conditions. The applicant accepts those conditions as being reasonable. If you look at the ingress and egress, there is a portion of Northside Drive that is being paid for by Scintilla Charter School. They have also agreed to contribute the land for that purpose so the City does not have to go out and purchase it or condemn it. This is a benefit to the City and being good stewards of the citizens' public money. If you look at the Lakeland Highway, there are only 3,732 cars a day on average that travel that main road which is a low count. A two-way highway like that will accommodate up to ten times that. It is probably not necessary to extend Northside Drive at this time but it should be reviewed again. Also, the water and sewer is being extended on the Lakeland Highway out to Lonesome Dove Road. Extending the water and sewer 2,100 feet with this development should save the City \$200,000. This is another example of how this development is good and should be entitled to a Conditional Use because it saves the City money that can be used on something else. Mr. Langdale asked Council's consideration in looking at the conditions on which they are to base their decision. Council will find that this request has no adverse impact. Mr. Langdale stated that he wrote a letter to the City in this case; however, when he looked at it this is a very clear case because they satisfy all the conditions. The law puts the burden on him that he has to put something in writing on record and if he does not do that then he is not representing his client. Mr. Langdale stated the concern on this particular request did not stem from land use but possibly the applicant and Charter Schools. You cannot discriminate on the applicant because that is not the basis of the decision. Mr. Langdale asked that Council judge this request based on the seven criteria. Councilman Vickers stated that they are acting as if Council has turned this request down and Mr. Langdale is appealing it. Council was ready to vote on this and then it was withdrawn. Then the accusations followed because they assumed what was going to happen but Council never took a vote on it. This came about because Council asked some questions. This is the first time in his 26 years that something was withdrawn because Council members engaged in robust conversation about it.

Julie Hiers, 23 Crestwood West, spoke in favor of the request. Ms. Hiers stated that she is the founding Principal of Scintilla Charter Academy and they are targeting the high poverty students. Research has shown that high poverty students perform better in a school that is small. They will have 20 students per class and four teachers per grade. It will be very hands-on and innovative and they will have an extended day which will be from 7:30 a.m. to 4:30 p.m. Traffic will not be an issue in the afternoon since they are letting out later than the regular schools. Anyone can attend and it is not a magnet school. It is not by application and if their enrollment goes over during the enrollment period they will go to a blind lottery system. Scintilla Charter Academy will bring a place where teachers can teach without all the red tape and students can learn. It will be electrifying and passionate. It will meet the needs of not all students but some students, and at the end of the day a parent deserves the right to send their child to a school that will meet the needs of that child.

Jeremy Baker, Attorney in Valdosta, spoke in favor of the request. Mr. Baker stated that he serves as Vice Chairman of the Scintilla Charter Academy Board and it is their responsibility to make sure that they follow through with their mission which is to serve those children who are under served and not performing as well as others. They do believe in Julie Hiers, their mission, and their Board. They will follow through with their goals and mission and serve all children in impoverished areas no matter what their race, color, or creed may be. They want to serve those children who may not get the attention they need in a big setting.

No one spoke in opposition to the request.

**A MOTION** by Councilman Vickers to approve a Conditional Use Permit for an elementary school in a Single-Family Residential (R-10) Zoning District as requested by Scintilla Charter Academy Inc. with the following four conditions: (1) Conditional Use approval shall be granted for an elementary school (grades Pre-K - 5), including school recreational facilities, based on the general layout of the submitted site plan and with a total building area not to exceed 65,000 square feet. Site design shall comply with all applicable LDR standards for such schools. Outdoor activities shall be limited to daytime and early evening hours not exceeding 9 p.m. (2) Connect to City of Valdosta water and sewer services, and reserve sufficient right-of-way for the extension of Northside Drive (minimum 80' wide). (3) A minimum 50' wide landscaped buffer shall remain as undisturbed along the northern property line. Additional native trees and shrubs shall be planted to fill in the "bare patches" of this existing buffer area, as approved by the City Arborist in accordance with the site's approved Landscape Plan. (4) Conditional Use approval shall expire after three (3) years if the school is not operating onsite by that date. Councilman Norton seconded the motion. Councilman Wright inquired as to how the children would be transported to and from school. Julie Hiers stated that the majority of Charter Schools do not provide their own

transportation because they are on a tighter budget; however, at Scintilla Charter Academy, they have had a Pastor commit to use their church vans during the week. She also has support letters from parents and teachers stating that they would be willing to go pick up the students. Ms. Hiers stated that she would also be glad to pick them up and has had other parents who will arrange carpools. If there is a family that wants to attend Scintilla Charter Academy then transportation will not be a barrier. Councilman Payton inquired as to whether all of the students would be selected using the blind lottery system. Ms. Hiers stated that is the way it works in the Charter School system. For example, if they have 80 slots in Kindergarten and 100 students register, then they all go in a hat. It is not a first come, first serve system. They will do computer registering and then they will also go into the communities. Councilman Payton inquired as to how those students who were not in the computer would get into the hat. Ms. Hiers stated that they would go into the communities. If they have to knock on 500 doors then that is what they will do. If you will look at their Facebook page and website, you will be able to see the outreach they have done in those communities. Councilman Wright stated that it is fortunate they did have another opportunity to review this request because his initial thought on this was a knee jerk reaction; however, he does agree that every child should have a choice as to where they go to school and without this there is not a choice. He does still have concerns about the Collector road and they need to look into that. The motion was adopted (6-1) with Councilman Payton voting in opposition to enact Ordinance No. 2014-24, the complete text of which will be found in Ordinance Book XIII.

### **AN ORDINANCE TO AMEND THE OFFICIAL HISTORIC DISTRICT MAP OF THE CITY OF VALDOSTA DENIED**

Consideration of an Ordinance to amend the Official Historic District Map of the City of Valdosta as requested by Alden Park Homeowners Association, Inc. (File No. HPC-2014-63). The property is located at 400 Baytree Road and is known as the Nichols House. The Historic Preservation Commission reviewed this request at their October 6, 2014 Meeting and recommended approval (5-1 vote).

Emily Foster, Special Project/Historic Preservation Planner, stated that the Alden Park Homeowners Association, Inc. is requesting that the George L. and Beverly A. Nichols House and property located at 400 Baytree Road (known as the "Nichols House") be designated as a local Historic Property per Section 238-9(C) of the City of Valdosta Land Development Regulations (LDR). The property is located at the northwest corner of Baytree Road and Azalea Drive within the City of Valdosta. This property is not located within the Valdosta Local Historic District, but is approximately 730 feet west of the western boundary of the Valdosta Local Historic District. Property boundaries for consideration of historic designation are the same as the legal boundaries for this property, originally established in Lowndes County Deed Book 6-W Page 53, and recorded on April 29, 1950. The property was subdivided in 1942 and was purchased by George Nichols from Harry Dawley in January, 1950. Soon afterwards, George and Beverly Nichols enlisted architect Lloyd Barton Greer to design a modern house for the lot that would reflect their Californian origins. The contemporary house design the Nichols desired, along with the irregular shape of the lot, proved to be a challenge to Greer, and it is noted that he would visit the lot and "sketch as he observed the landscape." Construction on the house was begun in 1952 and completed in 1953. Following the death of Greer in September, 1952, Greer's architectural firm associate, W. Connor Thomson, completed construction of the house. The Nichols lived in the house until George's death in 1990 and the house was then sold to Jane R. Davis in 1993 where it functioned as a health professional's office. In 2003, the house was purchased by the Georgia Sigma Housing Corporation and was transformed into the Sigma Alpha Epsilon fraternity house. The house is currently unoccupied.

Ms. Foster stated that the Nichols House is sited diagonally on the lot and features an asymmetrical U-shaped footprint, reflecting the unique shape of the lot. The Nichols House stands in an area of medium density developments influenced by Valdosta State University. In its immediate vicinity is a cohesive neighborhood of 1940s to 1960s American small houses, Ranch Houses, and Ranchettes, as well as the mid-century modern former S. L. Mason Elementary School. Within the vocabulary of Georgia architecture, the Nichols House can be classified as a "Contemporary Alphabet Ranch House" within the broader Ranch House typology. Features of the Nichols House that define its character as a Contemporary Alphabet Ranch House including the following: (1) linkage of the house to its site with a low, horizontal one-story profile (2) multiple roof levels having projecting, overhanging eaves, (3) the use of a variety of exterior finishes, (4) wide, wood awning windows and a rear window wall, (5) an integrated carport with screening wall, and (6) a bi-nuclear floor plan and zoned living space. Historic and architectural integrity remain intact in the Nichols House through the survival of original features, materials,

setting, design, and ability to convey its association with its original owners and architects, as well as to the American Ranch House and Modern movements. The Nichols House represents the American Ranch House movement in which California-based designs spread nationally in popularity during the 20<sup>th</sup> century. Stylistically, the Nichols House also represents the “Ultramodern” branch of contemporary American Modern ideals and architectural design. Throughout the country and in Georgia during the 1950s and 1960s, architectural Modernism represented not only progress, but also the prosperity of the postwar era. Modern buildings also promoted efficiency, and Ranch houses in particular were the preferred expression of suburban residential development in both mass-produced tract subdivisions and individual architect-designed dwellings. The Nichols House is one of the earliest, if not the first, Modern Ranch House in Valdosta. The Nichols House was designed by Lloyd Barton Greer (1895-1952), who is locally significant for establishing the architectural profession in Valdosta; it was also the last project he worked on before his death. Construction and interior design of the house was overseen by Greer’s successor W. Connor Thomson (1919-1990). According to the LDR, a local historic property must meet at least one of the four selection criteria. The Historic Preservation Commission and Staff found that the Nichols House meets all four selection criteria. The Nichols House is an exceptional and early example of Ultra-modern residential architecture that represents post-war progressivism in 1950s Valdosta which is Criterion 1. Additionally, the Nichols House is a rare, contemporary Alphabet Ranch House with a bi-nuclear plan that exhibits a high level of architectural integrity which is Criterion 2. Furthermore, the Nichols House is associated with Lloyd Greer, Conner Thompson, and George and Beverly Nichols who were important to Valdosta’s history for creating architectural professionalism and introducing a modern design aesthetic as well as influencing community development within Valdosta which is Criterion 3. Criterion 4 is because of its unique design and integrity and association with persons of local historic significance, the Nichols House remains a site of aesthetic interest that continues to contribute to the understanding of architectural and historical development in Valdosta during the mid-twentieth century. Ms. Foster stated that the Historic Preservation Commission recommended approval of the historic property designation at their October 6, 2014 meeting (5-1 vote). Staff found the request consistent with the Historic Property Designation Selection Criteria and recommended approval for the adoption of an Ordinance designating the Nichols House and property as a local Historic Property.

Councilman Vickers inquired as to who would pay for restoration of the house because it is in bad shape. Ms. Foster stated that the historic designation does not require anyone to pay for the restoration. Councilman Yost stated that he could go either way on this request because he was not in favor of the apartments that will surround this piece of property if they declare it historic. Councilman Yost inquired as to who would want to rent this home or purchase this \$500,000 to \$600,000 piece of property and be surrounded by apartments. There are two sides to this especially since the approval of the apartment complex. It is not an easy yes or no decision by the Council. Ms. Foster stated that she did not feel qualified to answer the question; however, she did feel that the house could be adaptively reused for many purposes and it does not necessarily have to be a single-family residence. Councilman Yost inquired as to whether Ms. Foster had been through the house because one of the neighbors had told him that it was very moldy and in bad shape. Ms. Foster stated that from her one visit inside the house she did not see any mold but she could not give an assessment of the condition of the house; however, it did seem to be intact architecturally. Councilman Norton inquired as to the desire of the current property owner. Ms. Foster stated that one of the letters that Council received in the Agenda Packet is from the owners of the property and they are in opposition to this request.

Dr. Alfred Willis, 4153 Stonehall Boulevard, Hermitage, Tennessee, spoke in favor of the request. Mr. Willis stated that he holds a Doctorate in Architectural History and he was representing the Alden Park Homeowners Association. His clients’ Neighborhood Association has been active since 2008 in protecting the integrity of the neighborhood bounded roughly by Baytree Road, Azalea, Alden, and McCloud. Members of the Association became alarmed when the Nichols House was proposed for demolition back in the summer. They knew the Nichols House as the finest feature of their neighborhood and a landmark in their City. They feared that it might be lost through inadvertence and they engaged him to research its history and assess its significance. Their goal was to provide the Greater Lowndes Planning Commission and the Mayor and Council with information required for them to make informed decisions about its fate. In accordance with provisions of Chapter 238 of Valdosta’s Land Development Regulations and to fulfill a civic duty, the Association brought the Nichols House to the attention of the City by filing an application for historic property designation. His clients ask that Council

accept the recommendation of the Historic Preservation Commission to designate the Nichols House a historic property. The Commission's recommendation was carefully considered and a strong one. It was fair and was reached through a public process. It was based on evidence gathered by independent research and on expert evaluations by the City's on Staff. It weighed opposing viewpoints. It reflected the correct understanding of both the facts and principals involved. Since being made, it has been corroborated by the Georgia Department of Natural Resources Historic Preservation Office, which in a duly considered preliminary finding dated October 7, 2014, declared the Nichols House to be eligible for the National Register. Any representation of the Nichols House not meeting the standards for a historic property was made in a document submitted to the City on or about October 6, 2014 and repeated in today's Valdosta Daily Times and is therefore false. The Nichols House does meet the standards for a historic property. It is not merely historic but rather significantly historic. There is, in his professional opinion, no more significant 20<sup>th</sup> century house in Valdosta. It is exactly the sort of building that Chapter 238 is intended to identify and protect for a public good. It is hard to find better examples of that anywhere in town. Its only rival is The Crescent. The Nichols House is now the best documented historic house in Lowndes County. For that reason alone it will be the house most likely to be studied by the future historians of Valdosta. The details of its design, construction, history of ownership, history of maintenance, and history of use, the record of crimes committed within it and against it, the names of every person who has defended it, and of every person who will advocate its demise are recorded for posterity in numerous publications and increasing voluminous public records. Much to the credit of Valdosta's concerned citizenry, archival documents about it have been offered up by private hands to be placed in public repositories there to compose the balance in which history will judge us all. The Nichols House provides the key to understanding what all of Valdosta's built heritage of the 1950s means. It represents the very best that the greatest generation left as their permanent bequest to this City. As early as next month, anyone reading the Minutes of today's meeting will be astonished to learn that the bequest was ever even considered to deserve less respect than the World War II Veterans who commissioned and built it. You are now aware of many proofs of the Nichols House historical significance. There is now no risk whatsoever of the house being lost by inadvertence. If it is to be destroyed, it can be destroyed only by individuals with full and complete awareness and thus with premeditation that they are destroying a major part of Valdosta's heritage. No one has a right to destroy the heritage of Valdosta and no one has a right to preserve it either. But the City of Valdosta has the freedom to assure that the historic structure standing within its boundaries remain available to promote the general welfare aesthetics and public education of the citizens of Valdosta. The exercise of that freedom by Council, the chosen representatives of those citizens, should not be constrained by allegations of a taking whether by inverse condemnation or under any other theory. The Supreme Court disposed of the takings question in its 1978 ruling in the Penn Central case. The Court found that historic property regulations do not constitute a taking because the regulations do not interfere with the owner's reasonable investment back expectations. The Nichols House fully deserves the protection that the City of Valdosta has every reason and the full freedom to accord it under the powers reserved to the City under Chapter 238. It ranks among Valdosta's most architecturally remarkable structures. It exemplifies technical excellence and documents important historical trends. It is connected with numerous historical figures including Lloyd Greer. It is valuable not only to Valdosta but also to Lowndes County, the State of Georgia, and even the United States. The State declared its interest in the Nichols House by including it in the 2003 Historical Resources Survey of Lowndes County. We ask you to safeguard, simultaneously the City's, the County's, and the State's interest by approving the recommendation before. Through the process that generated the facts about the Nichols House that Council now has, the Alden Park Homeowners Association and Dr. Willis became aware of a disturbing situation. To fulfill another civic duty, his clients have asked him to bring it immediately to Council's attention. The Association and Dr. Willis are convinced that the Historic Preservation process in Valdosta is not working as the enabling Ordinance intended either to the benefit of property owners or to ensure the retention of Valdosta's genuinely historic structures. The City has vast areas full of buildings that are not historically valuable and yet that are protected. On the other hand, it has dozens of historic buildings that are unprotected or whose claim to protection is contested when it should be unquestioned. Many citizens charge we think justifiably that the Historic Preservation Commission often functions not as a deliberative body as it did correctly in the case of the Nichols House but instead inappropriately as a Design Review Board. To any of the Council who knows or who believes that they are right in their assessment, his clients say that the time to acknowledge that truth is now. They ask you to confess to the public now that the issues involved will not be resolved in this meeting in the next few minutes. Neither preserving nor condemning the Nichols House will resolve them. Dr. Willis and his clients believe that they would best be resolved in a public forum in which all sides of the issues can be aired and explored. They are convinced that consensus can be reached on a solution that

will both affirm the correctness of Council's decision to preserve the Nichols House and strengthen Valdosta's ability to gain full benefit from historic preservation. They believe that it is urgently important to reform the abuses that to Valdosta's detriment are undermining public confidence in historic preservation and are thereby contributing even today to threats against the Nichols House. It would be wrong to make the Nichols House a victim of anyone's dissatisfaction or doubts about Valdosta's historic preservation process. It will be right to use the preservation of the Nichols House as the starting point for fixing that process. Dr. Willis and his clients ask the City not only to protect the Nichols House but also, once it has protection, to give all possible assistance to its owners in finding a proper use for it, financing its maintenance, and selling it if desired. They ask that Council does so to strike a balance in the cause of justice and they ask Council to remember that the sale of a historic house to a sympathetic buyer normally takes more than a few months. Because the City as a whole stands to benefit from the preservation of the Nichols House, the City should express its gratitude to the Georgia Sigma Housing Corporation of Sigma Alpha Epsilon for its stewardship of the property since 2003. Dr. Willis and his clients therefore encourage the City upon designation of the Nichols House to rebate to that Corporation all of the City taxes it has paid since 2003 over and above the amounts that would have been due on any similarly valued structure in a Valdosta Historic District. Doing so would ease for the Corporation the burden of ownership of a historic property which always goes along with the honor entailed. It would hence accord with the spirit of both local and Federal laws on historic preservation. Dr. Willis and his clients pledge to assist the current owner, any future owner, and the City of Valdosta to help in whatever ways they can to preserve the Nichols House. They are sure that it will be possible to obtain grants and to raise a considerable endowment to preserve the house and maintain it should it become the property of a charitable organization. There are numerous charitable uses to which the Nichols House as it now stands would lend itself. It is obvious that viable non-charitable uses for the house also exist. The original single-family Nichols House has already been adaptively reused twice, first as a health clinic and second as a fraternity house. Four similarly sized houses on the same block on Baytree Road are currently adaptively reused, two for group housing, one for office space, and one for religious purposes. Valdosta has hundreds of buildings that have been successfully adapted to new functions. The City Hall is one of those buildings. Patterson Street is lined with them. From Oak Street to Gordon Street, the north side of Baytree Road is lined almost continuously with adapted houses. Webster Street has an outstanding example. The Copeland Office on Adair Street is another great example. Valdosta has at least one broker reputed successful in selling historic properties to responsible new owners. Valdosta has developers, architects, engineers, and contractors who are well able to conceptualize, design, and complete adaptive reused projects with long term income potential. For any of them, the adaptation of the Nichols House would be the dream project of a lifetime. Its completion would be certain to gain them and Valdosta publicity in national magazines. Why would you not want such wonderful publicity for your City? Adaptive reuse is self-evidently a viable option for owners of historic property in Valdosta and including this property. It would be misleading to suggest that the Nichols House has no viable use. Dr. Willis and his clients above all beg you to not be persuaded to see the Nichols House as valueless. The only way to render the Nichols House valueless is to demolish it. Because your rejection of the opportunity before you will lead directly to demolition, only you have the power to reduce its value to nil. As it stands, the Nichols House is an asset and a pearl of great price. Its value to Valdosta is immense. Its value to its owner will be increased by historic designation because such designation entails tax benefits. Its value to Valdosta lies in what it can contribute to quality of life here. The Development Authority disclosed at a recent Rotary Club Meeting that the number one challenge to Valdosta's efforts to attract, keep, and expand industry is the difficulty of assuring industrial employers a highly qualified and sustainable, settled workforce. One key to overcoming that difficulty is education. Another key is quality of life. Educated people, people with high technical skills, and smart people with many employment options can choose where they live. They consistently choose places with vibrant art institutions, beautiful neighborhoods, and commitment to heritage. For years they chose places like Charleston, Savannah, and Milledgeville. They do not choose places whose streetscapes are spoiled by eye sores and pox marked by detention ponds instead of being graced by pieces of high quality architecture. They choose places where historic preservation is valued and contributes to the constant improvement of streetscapes. They choose places that choose to retain the best of their past for the enjoyment of their future. They are now choosing places like Sarasota and Jacksonville which are building lucrative programs of heritage tourism around buildings from the same era as the Nichols House. In South Georgia, instead of Valdosta, they are starting to choose places like Waycross, Thomasville, and Bainbridge. Dr. Willis and his clients would like to draw Council's attention to the benefits of comparing what the preservation of the remarkable structures has brought to those towns with what the preservation of the infinitely more remarkable Nichols House can bring to Valdosta. They ask Council to recognize the value of

the Nichols House in maintaining Valdosta's competitive edge over the long haul. They urge Council to act in the best interest of the citizens of Valdosta, to remember your duty to act in those interests, to advance the future of Valdosta in the right direction, to respect the independence, expertise, and good counsel of Valdosta's Historic Preservation Commission, to begin to reform historic preservation here with a positive step in that direction, and to pause before throwing away a real treasure.

Councilman Yost asked Dr. Willis, in his professional opinion, whether this house would still retain its historic value if it was picked up and moved anywhere else in the City. Dr. Willis stated that it would retain a great deal of its historic value but it would lose the value that it has with it having been designed specifically for this site and because of the position it has within a cluster of buildings that represent the only contribution of Lloyd Greer to urban design. Councilman Yost inquired as to whether the house could be moved anywhere the owner wanted if Council did approve the request to name this piece of property and home historic. Mayor Gayle stated that the house was built on a concrete slab. Dr. Willis stated that the house was built over a crawl space and the floor is frame.

Andy Smith, Attorney, spoke in opposition to the request. Mr. Smith stated that he was a member of the fraternity and was involved in the decision to purchase the house. Mr. Smith stated that he was volunteering his time because Georgia Sigma Housing Corporation has no funds to pay a lawyer. The Housing Corporation is absolutely opposed to the designation of this property as a historical property. The Housing Corporation was not asked prior to the application and had they been asked they would have been told no, which is their answer now as well. When the Housing Corporation purchased the property in 2003, there was no historical designation on this property in the public records and there was no discussion of historical designation of this property in the public or newspaper articles that he researched. This property was purchased believing it not to be historical property but believing it to be a property that is appropriate for use by a fraternity. They would not have purchased a valuable historical piece of property for use by a fraternity. They are historically bad on properties and they were bad on this property. It was purchased because it represented a good long term investment; however, it has not turned out to be because of the housing downturn. This fraternity has been on and off campus and they wanted a way out in case they left. The fraternity has now left the property. Mr. Smith stated that he could not look into the minds of the people who brought forth the application and he was a childhood friend of Dr. Willis; however, this application was not brought forth until the rezoning failed. Prior to that, no one had heard of the Nichols House. They do not call it the Nichols House but the E House. Over all those objections, this body voted to rezone the property. The rezoning is not consistent with this property being designated historical. Based on that, they have a contract now with another party which is contingent upon this property not being designated as historical. This was the only offer after all the signs were put up to purchase the property. No one else approached them. They approached Valdosta State University who was not interested and no one else was interested in the property until these people decided they did not like the apartments. He might have done the same thing in their situation, but they need to face what is really going on. This application is nothing more than an attempt to pull a rabbit out of a hat. He has reviewed Dr. Willis' report and while he is no architectural expert, he does have to look at testimony and documents to determine if they are consistent and entirely truthful. There are some questions that he would like to bring forth to the Council. Mr. Smith distributed some documents to the Mayor and Council and stated that one of the reports clearly states that it cannot absolutely contribute this property to Lloyd Greer. There are other architects mentioned such as Conner Thompson. Lloyd Greer was the only one who was really nationally known. Mr. Smith stated that he went on the Internet and looked at Wikipedia, which is the modern dictionary, and it gives a list of properties attributed to Lloyd Greer in this City. This property is not on there. There is also a list by the Planning Commission and it tells the story of Lloyd Greer and it lists a number of properties; however, this property is not on it. He is not an expert in architecture but obviously the people who compiled the pamphlet do not agree with Dr. Willis' assessment. He did not attend Dr. Willis' recent talk at Valdosta State University but others attended. Dr. Willis stated in his talk that this was a bi-nuclear house plan with neo-classical design which he touts as evidence of lasting historical significance, but it has not been reproduced since 1967. In the same talk, Dr. Willis stated that his survey included all of Georgia and the southeast to determine that this type of plan was abandoned in the south in 1967. This is a California-type plan and not a south Georgia plan. In order to say this is historical, one must conclude that whenever a local late architect designs a property by design that is later abandoned because it is determined not to be favorable then it becomes historical. Mr. Smith stated that he could not buy into that. The Housing Corporation can tell you that they do not think this plan was popular because it is very energy inefficient



and it is a very expensive property to keep up. There was also a reference in there that seemed to imply that the E House was as significant as The Crescent, but he has never had anyone ask him if the E House was the other historical place other than The Crescent. It just has not happened. Mr. Smith stated that he even contacted a member of the Nichols family who grew up in the house and asked what they thought of the designation. The family member stated that her father would not want any such designation on this home against the owner's wishes because he believed it is everyone's right to do with their private property as they wish. This was a very nice home when it was built and it was near the Varnadoe Home and the old Luke Home but they are gone. This house is on Baytree Road and its present neighbors are an apartment across the street, duplexes and rental houses behind it, a tennis court, gymnasium, and an education building across the street, and another fraternity next door. There is nothing in this area on Baytree that is historical. Baytree Road is a very heavily travelled road. In fact Azalea Drive was a very heavily travelled road until S. L. Mason Elementary School closed down. On the proposed zoning, even if the new apartments are built, the traffic will be less than what S. L. Mason Elementary School generated for school children. There has been some question about what the Housing Corporation can afford. Over the last ten years, they have had contractors come in and tell them what to do with the house. There have had numbers given to them in excess of \$250,000 to put this property in shape. The Housing Corporation has spent over \$25,000 in the last four to five years just keeping the house livable including \$10,000 for electrical work that after it was done the lights still continue to dim. The house is not in good shape at all. The fraternity moved out of the house due to money. The utility bills on this house were out of the roof and the cost to make repairs was beyond the fraternity's ability to pay and still have a social life as a fraternity. After they moved, several of the fraternity brothers offered to rent the home from the Housing Corporation to give them a stream of income to continue to pay the note that is owed. One of the fraternity brother's father, who is a building inspector from another city in Georgia, came down to see where his son lived. He walked through the house and then told his son to get out of the house. He said he had condemned houses in better condition than this one. They all left along with the rent. After they moved out with no income, only the alumni were left to pay for this even though the note is in the name of the Housing Corporation. They could only support it for so long so and that is why they put the house up for sale. There are no funds for the Housing Corporation to use to go in and rehabilitate the house if Council choses to designate it as historical. Mr. Smith stated that there are also some legal grounds for not declaring this property as historic. He went to the Secretary of State's website which shows the present status of Alden Homeowners Association, Inc.; however, it shows that Alden Homeowners Association, Inc. was never formed as a corporation and it does not legally exist. All they have had is two name reservations. There is a Georgia Court and Georgia statutes that say there are no further de facto corporations in Georgia. That means that if you do not form it with the Secretary of State and you do not get a certificate of incorporation then you do not exist. The party that made this application is a legal nullity. With it being a legal nullity then the application is a legal nullity which means they do not exist. Also, in the Ordinance they are relying on, it states in Section 238-1-6, "to enhance the opportunities for Federal or State tax benefits" and Dr. Willis has stated that it is false that we cannot get historical designation. The Federal Registry of Historical Places states that unless the owner consents to the designation then it cannot be designated on the Federal Register. Mr. Smith stated that they are not consenting. If you do not have that consent then you do not get tax benefits. This house is not in a Historical District and they are proposing to make this a spot designation which he believes this is illegal. If Council was to designate the property as historical, it would void the contract the Housing Corporation presently has. This would give rise to a claim against the City for grounds and would include that the action to designate the house as historic is an effective condemnation. They believe that no Ordinance can be required of anybody to rehab a 60 year-old house. The neighbors do not like the new apartments, they do not want to use their own money to purchase the E House, and they have not offered to buy it. Instead via this application, they seek to force the economic consequences to fall unfairly on the Housing Corporation. Accordingly, the Housing Corporation respectfully asks that Council not approve the recommendation of the Historic Preservation Commission and not designate this property as historical.

Councilman Carroll stated that there have been several questions about the legality of for or against this request. It has even been brought up about the possibility of tax abatements and public money being used. Councilman Carroll inquired as to whether Larry Hanson, City Manager, or Tim Tanner, Attorney, could address this. Attorney Tim Tanner inquired as to whether Councilman Carroll had a specific question with respect to the legalities. Councilman Carroll stated that the property owners view this as an inverse condemnation and as such the City could possibly be held liable for a decision that went against them. Councilman Carroll inquired, in Mr. Tanner's review in various legal proceedings of this nature, as to what his advice would be. Tim Tanner stated that

he was not the final arbitrator of a decision like that but his conclusion would be that there would not be an inverse condemnation claim against the City if this designation were to take place. They are still viable options even though there may be some economic consequences of this designation; however, that in and of itself, does not qualify in his opinion and in the opinion of the City Attorney's office as grounds for inverse condemnation claim. On the flip side, as the City sometimes faces the fire from both sides, and with respect to the other side, he does not believe that from a legal standpoint that we are not subject to any legal danger from that side. There is no requirement that we have a Historic District in a City and the mere fact of designating one or not designating one would allow the proponents of this to subject the City to any damages. Larry Hanson, City Manager, stated that he agreed. It is a discretionary decision of the Mayor and Council. One point that was mentioned is that the point was made about rebating taxes back to 2003 and he did not think that would be legal but it would be considered a gratuity. That is not an option as an incentive for the present owner. Councilman Vickers stated that a question he had was about designating a person's private property against their will. If you give this property a designation it would be like someone coming to his home and putting a designation on it when he did not ask for it or want it. Councilman Vickers stated that he did not see how they can put a designation on a piece of property that belongs to someone else. Mayor Gayle entertained a motion and stated they could then continue discussion. Councilman Vickers inquired as to what would happen if they did not take any action. Tim Tanner, Attorney, stated that it would procedurally die. Larry Hanson, City Manager, stated that no action is the same as a defeated motion which means it would not be approved. Councilman Yost inquired as to the earliest time it could be presented before the Council again if there was no action. Larry Hanson stated that if no action is taken it could be heard again at whatever time a member of Council chooses to put it on the Agenda. If it is defeated, the timeframe would be six months. Councilman Carroll inquired as to whether Mayor Gayle would allow him to ask a question of the representative of the owner of the property. Mayor Gayle stated that he could only ask a question of the owner. Councilman Carroll inquired as to whether Mr. Smith knew of any other offers that have been made to purchase this property since it became available for sale. Mr. Smith stated that they had one offer and that was it. Councilman Carroll inquired as to whether the owner would work to find a buyer of the home who could relocate it somewhere else if Council was to decide not to declare it historic. Mr. Smith stated that they are under a current contract and could not do that unless the party they are under a contract with agrees to that or the contract falls apart.

**A MOTION** was made by Councilman Vickers to deny the request to amend the Official Historic District Map of the City of Valdosta as requested by Alden Park Homeowners Association, Inc. Councilman Wright seconded the motion. Councilman Yost inquired as to whether one of the options could be to move the house anywhere in the City. Larry Hanson, City Manager, stated that the Preservation Ordinance states that one of the remedies is to move it to another location within the Historic District. Councilman Yost stated that if this was to fail, he hoped that someone or some organization would move the house to another location if it is of that much historic value. He truly believes that we should protect historic properties any time you can. He is not a Historian and he knows very little about the value of a piece of property and its historic value. Our Staff has worked hard on this and declared it of historic value. If the home is not designated tonight, he would like to see someone work hard to move the home. The people who plan to purchase the property would have the right to take the home, once it is purchased, and have it moved if it is not designated historic. He does not like our historic designation where we have taken areas and designated properties historic and they have no value whatsoever. It has locked in homeowners to adhere to rules and regulations that they should not have to because the piece of property is not historic, has no value, and it is a blight to the community because it cannot be torn down. As a Council, they need to go back and look at the whole process as to what they designate as historic and not historic. Larry Hanson, City Manager, stated that several years ago they updated the Land Development Regulations and the Preservation Ordinance and some additional standards were created such that properties in a Historic District are designated as either contributing or non-contributing. That was intended to prevent those properties that were truly not historic from having standards apply to them because they were in an overall district. They did address that but maybe not as good as it could be. That is always a challenge to find that balance. Councilman Yost stated that he was not sure he liked our process and it needed to be reviewed to make changes that would benefit everyone. Councilman Wright inquired as to whether the Constitution guarantees the right of our use of our property. Tim Tanner, Attorney, stated that it does. Councilman Wright stated that is the question. There are a lot of underlying emotional and sentimental issues but the bottom line is whether we should take this property and make it something that the government feels it should be. If someone came to his house and told him they were going to take his

property he would have some problems with that. Tim Tanner stated that by designating this property historic Council would be placing additional regulations and restrictions on the property.

A **MOTION** was made by Councilman Vickers to call for the question. Mayor Gayle asked all those in favor to do so by saying "I" and those opposed by the same sign. The motion carried (7-0).

The motion was adopted (6-1) with Councilman Yost voting in opposition to deny the request to amend the Official Historic District Map of the City of Valdosta as requested by Alden Park Homeowners Association, Inc.

**A REQUEST TO CLOSE AN ALLEY BETWEEN EAST MARTIN LUTHER KING, JR. DRIVE AND HUDSON STREET**

Consideration of a request to close an alley between East Martin Luther King, Jr. Drive and Hudson Street.

Pat Collins, City Engineer, stated that the City has received a request from Tabernacle Church of God on Holliday Street to close a 230' alley which runs in a north and south direction between E. Martin Luther King Drive and Hudson Street. This request was made so that the title to the property could be cleared up to make better use of the Church property. The City properly advertised for a Public Hearing on September 30<sup>th</sup>, October 3<sup>rd</sup>, and 9<sup>th</sup>. All of the City Departments as well as public utilities have been contacted and have no objections to the closure. Pat Collins recommended that Council approve the alley closure request.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to close an alley between East Martin Luther King, Jr. Drive and Hudson Street.

**ORDINANCES AND RESOLUTIONS**

**AN ORDINANCE TO ADOPT A NEW CODE OF ORDINANCES FOR THE CITY OF VALDOSTA (FIRST READING)**

Consideration of an Ordinance to adopt a new Code of Ordinances for the City of Valdosta. (First Reading)

Larry Hanson, City Manager, stated that this Code constitutes a recodification of the general and permanent Ordinances of the City of Valdosta. Materials used in the preparation of the Code were the 1976 Code and Ordinances subsequently adopted by the Mayor and Council. Adoption of a new Code of Ordinance for the City of Valdosta was a FY2015 goal of the Mayor and Council. By State law, adoption of a new Code or Ordinances requires this to be heard at two consecutive Council Meetings as well as advertisement in the local newspaper. The new Code was published under the direct supervision of Ron McLaughlin, Code Attorney of the Municipal Code Corporation, and John Welch, Editor of the Municipal Code Corporation. The chapters of the new Code are arranged in alphabetical order and the various sections within each Chapter have been catchlined to facilitate usage. Notes which tie related sections together and refer to relevant State law have been included. A table listing the State law citations and setting forth their location within the Code is included in the back of the Code Book. Larry Hanson stated that this is the First Reading and no action will be taken tonight; however, action will be taken at the November 6, 2014 Regular Council Meeting and Second Reading of the Ordinance.

**RESOLUTION NO. 2014-18, RESOLUTION AUTHORIZING THE CITY OF VALDOSTA TO ENTER INTO A MASTER LEASE AGREEMENT WITH THE GEORGIA MUNICIPAL ASSOCIATION FOR A DIRECT LEASE PROGRAM**

Consideration of a Resolution authorizing the City of Valdosta to enter into a Master Lease Agreement with the Georgia Municipal Association for a Direct Lease Program.

Mark Barber, Deputy City Manager of Administration, stated that since 1990 the Georgia Municipal Association (GMA) has offered a Direct Lease Program for municipalities in regard to fleet replacement. The Program includes leases that range from police cruisers to garbage trucks to fire trucks. The Program also allows the leasing of computer systems, 911 communication systems, and public works equipment. These are common yet expensive purchases for the City that require a substantial cash outlay at the time of purchase. Taking advantage of a low interest Lease Program will allow the City to continue with systematic fleet replacement while minimizing the upfront cash outflow. The Program offers flexible payment terms (monthly, quarterly, semi-annual, annual), with payback terms that can be matched to the City's existing depreciation schedules. Additionally, the Lease Program includes no prepayment penalties, no final balloon payment or charges, no upfront fees, and standardized legal documents. At the end of the lease term, the equipment is owned by the City. Given the slow rebound of sales tax collections for the City coupled with the fact that the City has delayed some fleet replacement over the past few years, the GMA Direct Lease Program is a financially prudent method to keep the City's fleet updated. To participate in the Program Mayor and Council must approve a Resolution allowing the City to enter into a Master Lease (one time) with the Georgia Municipal Association. Mark Barber recommended that Council approve a Resolution authorizing the City to enter into a Master Lease with the Georgia Municipal Association.

**A MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Resolution No. 2014-18, a Resolution authorizing the City of Valdosta to enter into a Master Lease Agreement with the Georgia Municipal Association for a Direct Lease Program, the complete text of which will be found in Resolution Book V.

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

Consideration of bids for sidewalk improvements on Gordon Street.

Pat Collins, City Engineer, stated that it was determined that sidewalks were needed in various locations within the City Limits of Valdosta. This portion of Gordon Street is between Hightower Street and Lankford Drive. Upon completion of this work, Gordon Street will have continuous pedestrian sidewalk from North Patterson Street to Lankford Drive. This area has considerable pedestrian activity. Sealed bids were received by the City of Valdosta at the office of the City Engineer, City Hall Annex Building, 300 N. Lee Street, Valdosta, Georgia, at 2:00 p.m. on Thursday, October 9, 2014. The low bid was submitted by Rountree Construction Company in the amount of \$179,445.25 plus a 10% contingency (\$17,944.53) to handle any unforeseen circumstances for a total of \$197,389.78. Pat Collins recommended that Council approve the low bid submitted by Rountree Construction Company in the amount of \$179,445.25 plus a 10% contingency (\$17,944.53) to handle any unforeseen circumstances for a total of \$197,389.78.

**A MOTION** by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the low bid submitted by Rountree Construction Company in the amount of \$179,445.25 plus a 10% contingency (\$17,944.53) to handle any unforeseen for sidewalk improvements on Gordon Street.

Consideration of a Memorandum of Agreement with the Georgia Department of Transportation for roadway lighting on State Route 38 (West Hill Avenue).

Pat Collins, City Engineer, stated that the Georgia Department of Transportation (GDOT) has now completed the West Hill Avenue Overpass Project and while it has a sidewalk on it, it was built without street lighting. Recognizing the importance of street lighting for vehicles and pedestrians, the City requested that Georgia Power develop a lighting plan that met all requirements. The City of Valdosta has been working with Georgia Power to put together an economical plan to light the West Hill Avenue overpass using existing poles and adding five new taller street light poles on the side streets immediately adjacent to the overpass. The cost of the light fixtures and power needed will be added to the City's electricity bill for street lighting. There will be an upfront construction and installation cost to the City of Valdosta in the amount of \$6,522 for the five new taller poles and 2-400 watt High Pressure Sodium Mongoose Fixtures. Service would be overhead at the locations and the total monthly rate would be \$70.22 which includes energy and full maintenance by Georgia Power. Georgia Power recently applied for a Utility Permit from GDOT to install the poles in GDOT right-of-way. As a result of this application, the City of Valdosta recently received a Memorandum of Understanding (MOU) from GDOT. GDOT

is requiring the City to approve the MOU as a condition prior to issuing the permit. George Talley, City Attorney, has reviewed the MOU and has advised the city staff it is acceptable. Pat Collins recommended that Council approve the GDOT Memorandum of Understanding and authorize the Mayor to execute on behalf of the City of Valdosta

A **MOTION** made by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (7-0) to approve a Memorandum of Agreement with the Georgia Department of Transportation for roadway lighting on State Route 38 (West Hill Avenue).

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

Larry Hanson, City Manager, stated that they had a wonderful West Hill Overpass Dedication Ceremony this week and Councilman Vickers had a lot of pride because there has been a lot of heavy lifting and a lot of work to get to the point of having the ribbon cutting. This will serve our community well for many years.

The Keep Lowndes-Valdosta Beautiful will have Make A Difference Day on Saturday, October 25, 2014 from 8:30 a.m. to 11:30 a.m. The clean-up will take place in Councilman Wright's District at the corner of Ricardo Street and Forrest Street.

The Electronic Recycling Event will be held on November 15, 2014 from 9:00 a.m. to 1:00 p.m. at Mathis Auditorium. This is an opportunity to get rid of computers, disks, CDs, circuit boards, key boards, laptops, printers, fax machines, copiers, stereos, typewriters, and microwaves free of charge. The only charge will be \$20.00 for televisions.

It is time for Boards, Commissions, Authorities, and Advisory Committees appointments. We have been advertising for slots on the following Boards, Commissions, Authorities, and Advisory Committees: (1) Central Valdosta Development Authority/Downtown Development Authority, (2) Keep Lowndes-Valdosta Beautiful, (3) MPO Citizens Advisory Committee, (4) Housing Authority, (5) Conference Center and Tourism Authority, (6) Housing Board of Adjustments and Appeals, (7) Construction Board of Adjustments and Appeals, (8) Zoning Board of Appeals. Citizens are encouraged to apply and serve their community. The deadline to apply is Wednesday, October 29, 2014 at 5:00 p.m.

The Great Promise Partnership will hold an event in Valdosta on October 28, 2014 at 3:00 p.m. at the City Hall Annex. A number of Valdosta High School students will be introduced and will be the first participants for the "Work for the Future Event." We have been working on this for several years and Council is encouraged to attend.

We have sent out a Request for Proposal (RFP) to handle our information technology in the future. The RFP says that the City will have a full time Staff person in this building so we are not eliminating a position but we are looking at the best way to manage the IT infrastructure. There is a lot of innovation and change in information technology and there are a lot of things that people are doing now that help expedite equipment replacement through vendors. The deadline to respond to the RFP was October 22, 2014 at 5:00 p.m. There were five firms that submitted a RFP. The Selection Committee, which consists of Mark Barber, Deputy City Manager of Administration, and Richard Hardy, Public Works Director, will need a representative from the Council to serve as well. Mayor Gayle asked if there was any objection from Council to appoint Councilman Ben Norton to serve on the Selection Committee. There was no objection from Council.

### **COUNCIL COMMENTS**

Councilman Payton stated that he read the Departmental Reports recently and wanted to wish Sementha Mathews, Public Information Officer, happy anniversary for eight years with the City. If it was important to her it was important to Council. Also, from looking at the Departmental Reports, there were three resignations in the Police Department and 60 people applying for those three positions. There is a lot of good information in the Department Reports.

Councilman Vickers asked Sementha Mathews, Public Information Officer, if she would send him some photos from the West Hill Overpass ribbon cutting.

Councilman Yost thanked Matt Martin, Planning and Zoning Administrator, and Emily Foster, Special Projects/Historic Preservation Planner, for their presentation tonight. He also thanked Sementha Mathews for the work she did on the West Hill Overpass ribbon cutting ceremony.

Councilwoman Tooley stated that some Council members will be out of town for the November 20, 2014 Council Meeting and there may be some items on the Agenda that she may have an interest. She inquired as to whether they could put those items aside. Mayor Gayle stated that in the past they have not had the last meeting in November or December but he did not know what was coming up. Larry Hanson, City Manager, stated that last year the Council Meeting fell on Thanksgiving but typically the second meeting of the month is not that heavy. We will ensure that the Agenda will be kept light if we do have to have a meeting. Councilman Wright stated that maybe this could be something discussed at the Mayor/Council Retreat.

**CITIZENS TO BE HEARD**

Dr. Michael Noll, Wiregrass Activist for Clean Energy, stated that he wanted to inform Council about some issues surrounding the Sabal Trail Pipeline and distributed some flyers to the Mayor and Council to review.

Yvonne McCallum, owner of Lakes Taxi, stated that she was here last month regarding meters being required for all the taxi cabs and inquired as to whether this was being considered. Larry Hanson, City Manager, stated that they have reviewed the existing Ordinance and he would set up a meeting with Police Chief Childress to discuss. They will then prepare a recommendation and present it to the Council.

**ADJOURNMENT**

Mayor Gayle entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the October 23, 2014 Meeting of the Valdosta City Council at 7:25 p.m. to meet again in Regular Session on Thursday, November 6, 2014.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta