

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, OCTOBER 6, 2011
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

Mayor Joseph "Sonny" Vickers called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Hoke Hampton, Tim Carroll, Ben Norton, Alvin Payton, Jr., Robert Yost, and James Wright. Councilwoman Deidra White was absent. The invocation was given by Bishop Patrick Paige, The Church of the Jesus Christ of Latter-Day Saints, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

Mayor Vickers entertained a motion for Awards and Presentations.

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

PRESENTATION OF THE OCTOBER, 2011 EMPLOYEE OF THE MONTH AWARD

John Whitehead, Deputy City Manager of Operations, presented the October, 2011 Employee of the Month Award (Curtis Mincey, Public Works Department).

Curtis Mincey began his employment with the City of Valdosta in September, 1981 as a Laborer in the Public Works Department. In October, 1991 he assumed the position of Custodian which is the position he currently holds. Curtis Mincey, better known as Mr. Curtis, is a model employee and always goes above and beyond when it comes to the City. Mr. Curtis is the first responder when emergencies arise at the City Hall. Whether responding to an alarm or responding to an employee's need to get access to various buildings on weekends or after normal business hours, Mr. Curtis can always be counted on. Though not a requirement of his job, Mr. Curtis goes around to each individual department at City Hall and the City Hall Annex delivering and picking up mail. He started this some years ago when the weather was bad and has continued since that time. Mr. Curtis' formal title at the City is listed as Custodian; however, his job duties go far beyond that. At some point he has helped just about every department in City Hall, the City Hall Annex, and Customer Service. He helps Customer Service on a daily basis by distributing and stamping mail. Mr. Curtis has assisted in the City Manager's office when needed by answering the phone while staff assisted citizens and sometimes helping by directly assisting the citizen himself. Mr. Curtis seems to be everywhere at once and his knowledge of the City has been beneficial to co-workers and citizens alike. He is indeed a valuable asset to the City and goes to extraordinary lengths to assist all. Curtis Mincey exemplifies the true meaning of customer service. His dedication to the City of Valdosta is exceptional and worthy of recognition. For these reasons and many others, the Employee Relations Committee nominated Curtis Mincey as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the September 22, 2011 Regular Meeting were approved by unanimous consent (6-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2011-32, AN TO AMEND THE FUTURE DEVELOPMENT MAP OF THE COMPREHENSIVE PLAN

Consideration of an Ordinance to amend the Future Development Map of the Comprehensive Plan and change the Character Area Designation of two contiguous properties as requested by Patricia Ann and Ari Santas (File No. VA-2011-18). The property consists of approximately 1.24 acres and is located at 2229 and 2249 East Park Avenue. The Planning Commission reviewed this request at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Patricia Ann & Aristotelis Santas are requesting to amend the Future Development Map of the Comprehensive Plan by changing the Character Area designation of two contiguous properties from Established Residential (ER) to Neighborhood Activity Center (NAC). The properties consist of approximately 1.24 acres located at 2229 and 2249 East Park Avenue. This is at the northwest corner of East Park Avenue and Dogwood Circle and is located about 0.4 miles west of Inner Perimeter Road. The applicant is proposing to expand their existing therapeutic massage business and will need to have the property rezoned to allow this; however, the Character Area would need to be changed first to make the property eligible for possible rezoning. The property is part of a somewhat isolated "ER" Character Area district that includes the Dogwood Circle and Lonesome Dove Road neighborhood along East Park Avenue, as well as a lot of undeveloped land farther to the northwest. It contains mostly small lots with R-6 zoning, and is developed residentially. As a whole, it has very limited narrow frontage along East Park Avenue and it has no other means of access. Most of the undeveloped portion of this district is dominated by wetlands which make further development and access more difficult. The surrounding area is entirely designated as either NAC or the more intensive Community Activity Center (CAC). These areas consist of much larger tracts of land and are still mostly undeveloped. The ER designation is designed to protect established residential areas from zonings and development patterns that would be detrimental. The NAC designation is the lightest of the commercial type classifications and allows a possible mixture of zonings and development patterns, but excludes the possibility of anything that could be deemed too intensive. It is often used as a transitional area between residential neighborhoods and much more intensive development areas. Given the property's direct frontage along East Park Avenue (minor arterial), the proposed Character Area classification is more consistent with the logical future development pattern of the area. It is particularly more compatible with the NAC designation across the highway and on properties farther to the southwest. Staff found the request consistent with the Comprehensive Plan and the map amendment review criteria, and recommended approval to the City Council. The Planning Commission reviewed this at their September 26, 2011 meeting, found it consistent with the Comprehensive Plan and the map amendment review criteria, and recommended approval (8-0 vote).

Patricia Ann Santas, 2705 Dogwood Circle, spoke in favor of the request. Ms. Santas stated that she was the owner of the property and had a business on it. They are requesting the change to add a small area on the back. The community has been incredibly supportive of their business in the last six years and it has grown so they need a little more room for storage. Ms. Santas stated that it was originally designed for just a couple of people but now their closets are overflowing and they need a break room for the therapists.

No one spoke in opposition to the request.

A MOTION by Councilman Hampton, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2011-32, an Ordinance to amend the Future Development Map of the Comprehensive Plan and change the Character Area Designation of two contiguous properties as requested by Patricia Ann and Ari Santas, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-33, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 0.18 acres from Single-Family Residential (R-6) to Residential-Professional (R-P) as requested by Taylor Biddle (File No. VA-2011-19). This property is located along the east side of the road between Baytree Drive and Blanton Street. The Planning Commission reviewed this request at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Mr. Taylor Biddle, on behalf of Bidding Properties LLC, is requesting to rezone 0.18 from Single-Family Residential (R-6) to Residential-Professional (R-P). The property is located at 1307 Melody Lane which is along the east side of the road between Baytree Drive and Blanton Street and is currently developed with a single-family rental house of about 1,000 square feet GFA. The applicant is proposing to expand the rear yard parking area and possibly rent the property for professional office usage. The property is located within a Transitional Neighborhood Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-P zoning. This property has been zoned R-6 for many years but has always been used in the past for Single-Family Residential. It is very similar to other properties along Melody Lane with small homes that have already been converted to professional offices and

have already been rezoned to R-P. This side of Melody Lane already contains a mixture of single-family homes and professional offices. When also considering the commercial zoning and more intensive development pattern across the street, this portion of Melody Lane is no longer a residential corridor. Mandating a continued residential use of the subject property seems impractical and allowing the residential/professional flexibility of R-P zoning seems the most logical for this area. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommend approval to the City Council. The Planning Commission reviewed this at their September 26, 2011 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2011-33, an Ordinance to rezone 0.18 acres from Single-Family Residential (R-6) to Residential-Professional (R-P) as requested by Taylor Biddle, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-34, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 0.54 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by Hetal Patel (File No. VA-2011-20). The property is located at 1410 Gornto Road. The Planning Commission reviewed this request at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Mr. Hetal Patel is requesting to rezone 0.54 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C). The property is located at 1410 Gornto Road which is along the south side of the road immediately east of the Norfolk-Southern railroad and immediately across from the Charleston Place & Creekside Tavern development. The property contains a convenience store and small restaurant, and the applicant is proposing to convert the convenience store into a liquor store which requires a C-C or C-H zoning. The property is located within a Neighborhood Activity Center Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C zoning when the property is located along an Arterial or Collector roadway. A portion of the property is also located adjacent to the FEMA 100-year floodplain associated with Sugar Creek and was flooded in April, 2009. The property was part of the County islands annexation in 2006 (Island # 56) and was given the C-N zoning upon annexation. At that time, the existing convenience store held a beer and wine retail license which requires C-C or C-H zoning in the City and was annexed in as a non-conforming use. The existing convenience store still remains a non-conforming use because of the beer and wine sales. The property is bordered by C-C zoning on two sides and there is other C-N zoning in the area. There is otherwise very little difference in the uses allowed in C-N versus C-C. The primary difference between these two zonings is that of site development standards (size of buildings allowed, front yard parking, etc.). In this regard, the property is already developed to more of a C-C standard than it is C-N. Since most of the surrounding properties are already developed commercially with C-C zoning, the applicant's request is logical and appropriate for this property. The applicant is not proposing any expansions of substantive changes to the property and there will be no impacts to the floodplain caused by the rezoning. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval to the City Council. The Planning Commission reviewed this at their September 26, 2011 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote).

Gary Moser, Attorney, 1706 North Patterson Street, spoke in favor of the request. Mr. Moser stated that he was speaking on behalf of the owner of the property. This property was originally purchased in 1976 by the owner of Holiday Markets and was converted into a convenience store with a barber shop and beauty parlor next to it. In 1990, the beauty parlor went out of business and a restaurant and local pub went in there for quite some time. At the same time in 1987, J. P. Muldoon's moved near this location and built a facility. The YMCA came in 1983 and after it was already a convenience store. This was part of the annexation of islands in 2006 and it came into the

City of Valdosta as a C-N but probably should have been C-C because the convenience store did sell beer and wine which requires a C-C zoning. The property came into the City as a non-conforming use as it presently is. The owner is asking that the property be rezoned to C-C because that is consistent with businesses around this area and any use that he may wish to put it to which his neighbor across the street would also have the same right. It is not about a liquor store because across the street is another place that is zoned C-C and you could put one there now as a matter of right. They are here today under the Zoning Power of the City of Valdosta and as it has been set forth by the Planning Commission already with an 8-0 vote in favor, the applicant is asking this Council to rezone the property so that it is consistent with the other surrounding areas and the Greater Planning Commission's planning and goals set by the City of Valdosta and Lowndes County. Councilman Hampton inquired as to whether the business located at J. P. Muldoon's was still in operation. Mr. Moser stated that it was in operation and is called Creekside Tavern. Councilman Hampton inquired as to whether they sold drinks there. Mr. Moser stated that they do sell drinks. Councilman Hampton stated that he could not understand because here is a liquor store and a bar. He could run into the liquor store and get a pint of Johnny Walker Red and go back home or he could go to the bar and sit for two or three hours and then leave and run over your mailbox. Mr. Moser stated that could be a possibility. Right now you can go in and purchase a bottle of wine or a case of beer at the store. They are not talking about the use of the building but rather that it be rezoned consistent with everything else in the area and consistent with the Master Plan.

Matt Flumerfelt, 2009 Michael Terrace, spoke in favor of the request. Mr. Flumerfelt stated that if you go in the store today you will find mostly beer and wine on almost every shelf. You could probably buy a band aid or ball point pen but most of what you will see in there is beer and wine. This is also the building where a store employee was shot not long ago and has easy access to I-75 so security could be a concern. This building was also virtually under water during the recent floods. It has struggled through several owners and has had a hard time surviving because people do have a choice to go to the Creekside Tavern and usually when they come out of there they are not going to buy liquor. Mr. Flumerfelt stated that that a lot of the area around his neighborhood like the previous zoning issue is going to Residential-Commercial. Their residential neighborhood is getting pushed out and is being invaded by businesses. They now have a Foot and Ankle Clinic on the corner of Oak Street and Gornto Road about a block from another Foot and Ankle Clinic. They are now getting a Christian Anti-Abortion Clinic right at his back door though he has nothing against the business. These businesses are getting rezoned and are ruining a good residential area. Mr. Flumerfelt stated that he was in favor of the rezoning but asked Council's consideration when moving these businesses into Alden Avenue, Azalea Avenue, and Gornto Road because they do not want to be right next door to a business.

J. C. Cunningham, 2521 Buena Vista Circle, spoke in opposition to the request. Mr. Cunningham stated that they do not need to put a liquor store in the middle of a residential neighborhood. He was also concerned that the location is right across the street from the YMCA who has afterschool programs throughout the year that service children. In consideration of what Councilman Hampton stated, the difference is that the Creekside Tavern does not open until 4:30 p.m. or 5:00 p.m. when most of the YMCA after school programs are letting out. Council should also take into consideration that there are two liquor stores within a small proximity of this store. One liquor store is located 1.4 miles from that location going south towards St. Augustine Road and the second liquor store is located 1.4 miles from that location going east to Gornto Road and then turning onto Jerry Jones. They do not need three liquor stores within a three mile radius of their residences because it will affect their property values. Mr. Cunningham stated that two wrongs don't make a right and he drove the City today and there is not one liquor store that has the uniqueness of this liquor store. Mr. Cunningham stated that all the liquor stores with one exception are in major commercial areas and not in neighborhoods that have the uniqueness of serving children. We would not allow a liquor store within 75 yards of a school so why would we allow a liquor store within 75 yards of an area that is serving children throughout the year. He has spoken to the Director of the YMCA who is out of town today but he is opposed to it, the YMCA Board is opposed to it, and his neighborhood is opposed to it. Mr. Cunningham asked that Council reconsider this zoning issue.

Councilman Carroll stated that this property is located in a Neighborhood Activity Center and while it is easier to address issues of this nature in relation to uses allowed in a given zoning before the fact, they are putting themselves at great legal jeopardy if they try to do it after the fact. In looking at this case, to just deny it based on the reason that it is going to be a liquor store would set them up for a Judge to reverse their decision because legally they have violated the laws governing the exercising of our Zoning Powers. Councilman Carroll stated that he did not necessarily think this was a great location for a liquor store, but legally they did not have a lot of choice trying

to get the horse back in barn once the barn door has been opened. With that rationale, Councilman Carroll stated that he would make a motion to approve the request.

A **MOTION** was made by Councilman Carroll to approve the request to rezone 0.54 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by Hetal Patel. Council Hampton seconded the motion. Councilman Yost stated that he had made his position very clear at the Work Session and what Councilman Carroll said is a good point but what is right is right and what is wrong is wrong. This area was not in the City and was annexed in very recently as an island in the County. He went to the County Commissioners and asked them not to grant a license to serve this because that is his neighborhood. They didn't want it then and they don't want it now. If we get sued then we get sued for doing the right thing. Councilman Yost asked that they do the right thing and keep a liquor store out of the neighborhood. There is absolutely no need for a liquor store there. There are liquor stores in the proper places out by the Mall and on Baytree Road where there are no residences. That side of the street is a neighborhood. This is a very small patch of land and they have every right to request this; however, Council has every right to deny this. Councilman Yost asked Council's consideration in not allowing a liquor store in a neighborhood. Mayor Vickers stated that they pass regulations and different things fall under different zoning. While he sympathized with Councilman Yost he did not see how they could turn this zoning down for this particular piece of property because there is C-C zoning all around it. Councilman Hampton stated that he did not represent just District 3 but the City of Valdosta. He lived on Gornto Road 75 years ago and he knows more about that District than anyone will ever know. There are five liquor stores in his District and are they complaining about one. There is a liquor store on Hill Avenue right next to a house. There is a liquor store on Baytree Road where they are building those apartments that will have 500 people living there and there is no way that one liquor store in Councilman Yost's District will make a big difference.

Councilman Payton called for the question. Mayor Vickers asked all those in favor of cutting the debate off to raise their hands. The motion passed 5-1 with Councilman Yost voting in opposition.

The motion to approve the request was tied 3-3 with Councilman Yost, Councilman Payton, and Councilman Norton voting in opposition. Mayor Vickers stated that while he sympathized with Councilman Yost if they need to address the issue of what can go into C-C zoning that adjoins a residential area then that is the way they need to address it. If they need to direct the Planning and Zoning Administrator to review this and bring it back before Council then that is what they need to do. Mayor Vickers broke the tie and voted in favor of the request. The motion was adopted (4-3) to enact Ordinance No. 2011-34, an Ordinance, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-35, AN ORDINANCE FOR TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 210 - Overlay Districts (File No. VA-2011-21). The Planning Commission reviewed this at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to amend Chapter 210 - Overlay Districts of the City's Land Development Regulations (LDR). The Text Amendments are for the Sections of the Chapter which pertain to the City's main Overlay Districts (Baytree-University, Urban Commercial, and Inner Perimeter Road). The main purpose of the Text Amendments is to remove provisions which overlap the standard development regulations contained elsewhere in the LDR and to relax certain standards. All of the Text Amendments are the result of numerous discussions with members of the Valdosta-Lowndes County Chamber of Commerce SORT Committee. Also included in the Text Amendments is a new map for the Urban Commercial Corridor Overlay District which was revised after the Work Session. On the lower part of the map on Ashley Street, they are tightening it in to follow the parcel lines a little more accurately. On the original map with the LDR adoption, it did not follow parcel lines which was one of the reasons for a change to the map. This is really a clarification of what is already there. This District is being significantly reduced in area to only reflect those segments associated with the North Ashley and North Patterson Street corridors. It is Staff's intent to later propose a completely new Overlay District that includes the Exit 16 and Exit 18 areas and will contain development standards that are custom-tailored for that area. The proposed Text Amendments constitute a substantial reduction in the regulatory language of the Overlay Districts and result in a much more streamlined set

of development guidelines for these areas; however, the Text Amendments still maintain all the important features and preserve the spirit and intent of the Overlay Districts. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their September 26, 2011 meeting, found it consistent with the Comprehensive Plan, and recommended approval (8-0 vote). Councilman Carroll stated that it should be noted for the record that the revised map reflects a more precisely defined District boundary.

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 (6-0) to enact Ordinance No. 2011-35, an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 210 - Overlay Districts, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2011-16, A RESOLUTION TO UPDATE THE GREATER LOWDES 2030 COMPREHENSIVE PLAN'S SHORT-TERM WORK PROGRAM

Consideration of a Resolution to update the Greater Lowndes 2030 Comprehensive Plan's Short-Term Work Program (File No. VA-2011-22). The Planning Commission reviewed this at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the Greater Lowndes 2030 Comprehensive Plan was prepared and adopted in 2006. It is a County-wide plan which is shared by Lowndes County, the City of Valdosta, and the four smaller municipalities in Lowndes County. In accordance with State law, it is now time to do the mandatory five year update to the Comprehensive Plan's Short-Term Work Program (STWP) component. The STWP serves as a five year listing of projects for all of Lowndes County that corresponds with the implementation of the Plan's goals and policies. Over the last five years, there have been several minor amendments to portions of the Comprehensive Plan; however, this is considered a major amendment that is required by State law and is one that must be performed by all of the Greater Lowndes local governments. The new STWP that reflects the old items as well as the new proposed items and this chart is for the entire County. The items that directly affect Valdosta are shaded with a light green background. Throughout the chart, they are deleting the FY 10 and FY 11 columns, and adding columns for FY 15 and FY 16. Proposed deletions of individual text are shown in red, and proposed new text is shown in green. Many of the STWP items reflect ongoing activities and will simply rollover to include the new fiscal years and some items will not. Some of the items reflect wording changes in the data cell that describes them. Some of the STWP items are completely new. All of the items will be re-numbered in their correct order once the STWP changes are finalized. This is a draft listing of proposed updates (changes) to the STWP which must be formally transmitted to the Southern Georgia Regional Commission (SGRC) and the Georgia Department of Community Affairs (DCA) for official review. There is a mandatory 60-day review period and there may be review comments from these reviewing agencies. Minor changes may still be made to the draft STWP. They anticipate being able to finalize the STWP changes and formally adopt them at the December Mayor/Council meeting. Staff recommended that Council adopt the Transmittal Resolution and transmit these draft updates of the STWP to the SGRC and Georgia DCA for official review.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (6-0) to enact Resolution No. 2011-16, a Resolution to update the Greater Lowndes 2030 Comprehensive Plan's Short-Term Work Program, the complete text of which will be found in Resolution Book V.

Consideration of a Position Statement on School Consolidation.

Mayor Vickers stated that he asked for this to be placed on the Agenda and it has been discussed in the community for the last several months. He felt very strongly about this action and we need to stand behind the school system and our children and grandchildren. There is a lot of division in the community concerning this but he thought it was proper for the City Council to take a strong stand on this issue. Mayor Vickers asked the City Manager, Larry Hanson, to read the Position Statement into the record. Larry Hanson stated that the Position Statement on School Consolidation is as follows:

WHEREAS, the subject of school consolidation has been discussed for many years in Valdosta and Lowndes County at various community meetings, retreats and has been formally studied on more than one occasion; and

WHEREAS, the City of Valdosta does not oppose the concept of consolidation; and

WHEREAS, most school systems or government consolidations have directly involved the governing authorities themselves from the outset of the effort; and

WHEREAS, most consolidations provide a specific and detailed plan by which voters can make an educated and informed decision; and

WHEREAS, most consolidations have an agreed upon charter which spells out details of the consolidation plan so that an informed vote can be made; and

WHEREAS, most consolidations are voted on by all of the citizens affected by the decision; not just a portion of them; and

WHEREAS, voters in unincorporated Lowndes County, Hahira, Lake Park, Dasher, and Remerton will not be allowed to vote; and

WHEREAS, there are many unanswered questions such as representation, number of school board seats, school districts, continuance or elimination of programs, use of facilities, potential tax consequences, for which there are no answers and no specifics on which to base an informed decision; and

WHEREAS, both the Valdosta and Lowndes school systems are financially viable and well managed by elected boards and competent staff; and

WHEREAS, any plan of consolidation should be built from the ground up, involving and including all stakeholders and affected parties in the process; and

WHEREAS, the Mayor and City Council are strong advocates of the right of citizens to vote, however the absence of knowledge as to the consequences of voting for a plan that does not exist could be severe; and

WHEREAS, if the citizens of Valdosta vote to give up the Valdosta City School System Charter, with no details or plan upon which to base an educated vote, under Georgia State law the city voters will not have the right

to vote to re-create the city school system if they do not like the plan that will be eventually created and implemented; and

WHEREAS, the Mayor and Council believe that when asked to vote for something as important as school consolidation, all voters of the city and county should be allowed to vote and a specific plan to include implementation should be presented to them to vote upon.

NOW, THEREFORE, the Valdosta City Mayor and Council, while not opposing the concept of consolidation and strongly favoring the right of all affected citizens to vote, hereby opposes the current proposal

because there is no plan and one half of the community is prohibited from voting on a decision that affects the entire community and its future.

SO APPROVED this 6th day of October, 2011 upon vote of the Mayor and Council.

Mayor Vickers stated that he would ask for a motion and then have discussion.

A **MOTION** was made by Councilman Payton to approve the release of the Position Statement on School Consolidation. Councilman Norton seconded the motion. Mayor Vickers asked for comments from Council members. There being no comments, Mayor Vickers called for the vote. The motion was adopted was adopted 4-2 with Councilman Yost and Councilman Carroll voting in opposition.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that October 9-15, 2011 is National Fire Prevention Week and the Fire Department is doing more than ever to educate the public and provide smoke detectors for those who need them. There was a tragic fire in our community last week and the lives of three small children were lost. According to the National Fire Protection Association, almost two-thirds of home fire deaths result from homes with no smoke detectors. A properly working smoke detector may cut these fatalities in half. Just last night over 60 children in the K-5 Sunday School Class at First United Methodist Church donated over 200 stuffed animals to the Fire Department to be provided to young victims of fire in the future. In addition, Ace Electric has donated 25 smoke detectors for the Fire Department's weekend blitz. The Fire Department personnel will be going door-to-door this weekend, particularly in the North Forrest Street area where the fire occurred, offering smoke detectors to those who do not have them.

The City's Finance Department was recognized by receiving the Certificate of Excellence in Financial Reporting which is quite an honor. This award is presented annually by the Government Finance Officers Association of the United States and Canada and was presented to our City for the Annual Comprehensive Report for last fiscal year. That Certificate is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. This is the 26th consecutive year that the City of Valdosta has been recognized by receiving this national award. Larry Hanson thanked Mark Barber, Deputy City Manager of Administration, and his Staff for their outstanding work in ensuring the financial integrity of our City.

October is National Community Planning Month and our Planning and Zoning Department will host several events in outreach to the community. The events will include the following: (1) A tour of the Water Treatment Plant on Guest Road on October 18th at 5:30 p.m. so that residents can learn about how the City delivers and provides 12 million gallons of water a day and 3.3 billion gallons of drinking water a year to the customers of the City, (2) A tour of the Traffic Management Center on October 20th, (3) A tour of Downtown Valdosta on October 24th, (4) A lunch and learn presentation by Mara Register, Assistant to the City Manager, on the Five Points Redevelopment Project on October 26th at 12:00 p.m. at the City Hall Annex, (5) A tour of the Lowndes County Historical Museum with Don Davis on October 29th, and (6) a T-SPLOST presentation by Corey Hull from the Southern Georgia Regional Commission (SGRC) on October 31st at 12:00 p.m. at the SGRC Office.

On Friday, October 14, 2011 we will host the first Legislative Appreciation Day and honor our local delegation of Senator Golden and Representatives Carter, Black, and Shaw as well as a number of members from the General Assembly. This is our first attempt at trying to have a Bird Supper event locally and we have 35 members of the General Assembly who have responded and will be in attendance. Mayor Vickers and four Council members have already responded that they will be in attendance and this will be a great opportunity for us to thank the members of the General Assembly as well as make them aware of local needs and issues that we have in the community.

We went through a major planning exercise last year to plan for the future of our Downtown area and developed a new Master Plan that was adopted by the Mayor and Council. The Georgia Chapter of the American Planning Association recognized Valdosta last week in their meeting and presented us with the award for the Outstanding Planning Document for a Large Community in the State of Georgia for the Downtown Master Plan.

This is a very nice honor and demonstrates the value and the importance of planning particularly with such a public oriented participation process like we had.

There was an article in the Valdosta Daily Times today about Lt. Leslie Manahan graduating from the FBI Academy. This is very prestigious just to be asked and to be accepted into that Academy because it is a very difficult selection process. We have a number of employees who are graduates of the Academy and they include Commander Brian Childress, Commander Bernard Robinson, Capt. Bobbi McGraw, Lt. Jo Ann Rofulowitz, and Capt. Matt O'Steen. We also have an employee who has been accepted for the next session and that is Tomas Chavarria who is on the Power Squad. This says a lot about our Police Department and the leadership of our Chief and having people of that caliber getting in the FBI Academy every year.

COUNCIL COMMENTS

Councilman Yost thanked the City Marshals and Mark Barber, Deputy City Manager of Administration, and his Staff for working very hard to correct the parking situation in yards in his neighborhood. It is making a difference and people are parking in areas that are designated with wood timbers. There is still a problem at the start of every school year with the Freshman students at Valdosta State University trying to put 10-12 people living in a house and that many cars does not work in a front yard. Councilman Yost thanked Matt Flumerfelt for his comments tonight because Councilman Yost works very hard to keep the businesses where they should be in his District and not in the neighborhoods. If other members of Council could vote with him more often there would not be a Foot and Ankle Clinic on the corner in a neighborhood where it should not be. That was a home in a neighborhood that has now been destroyed. He is working hard to keep those types of businesses where they need to be which is in a business district. Councilman Yost stated that he was sorry about the neighborhoods that had five or six liquor stores but it is his duty to protect a neighborhood to keep them from coming in and not be like another District where they are across the street from houses. Councilman Yost stated that he was proud of the Council, employees of the City, and the School System for what they have accomplished lately.

Councilman Hampton stated that ten years ago he walked into City Hall and Curtis Mincey was stripping all of the woodwork. He could think of no one more deserving to get the Employee of the Month Award. Larry Hanson stated that was in 1987 and Mr. Curtis did all of the work.

Councilman Payton stated that he had an opportunity to read to a Kindergarten class at W. G. Nunn Elementary School and kids say the funniest things. He was accused of being his wife's daddy by a Kindergartner. Councilman Payton encouraged Council members to take advantage of the opportunity to read to the school children.

Councilman Norton thanked Mayor Vickers for visiting the students at J. L. Newbern Middle School. He had a student ask him if he could be the Mayor one day and Councilman Norton told him he could be Mayor just like Mayor Vickers. Councilman Norton stated that Mayor Vickers had a great impact on the students and he appreciated the Mayor taking time out of his schedule to be there.

Mayor Vickers stated that we are very fortunate to have the caliber of City employees with expertise in the different areas of the City. We are fortunate to have someone who has risen from the bottom of the ladder to the top as our City Manager. He has seen the growth in the City Manager in the past 25 years and we are fortunate in this community to have had just two City Managers in 30 years. The time for a City Manager to stay somewhere is probably three to five years. Larry Hanson and his Staff have climbed the ladder and educated themselves in different departments and fields. This is what it takes in order for a community to grow and keep stability. Mayor Vickers stated that he appreciated the Staff and Council members. In the last 30 years the Council has always had five to six Council members that we maintain and we have never swept the room. Experience does counts. When he came on Council, the millage rate was 3 mils and it has risen 1 mil in the last 25 years. We have a budget of \$78 million and approximately \$5.5 million of that comes from property tax. The rest comes from other sources such as fees, grants, and user fees. That says something to the citizens. In 1985, we had 26 miles of dirt streets, ragged Police cars, run down Fire trucks, and bad water. Now you can look back at all of the things we have taken care of. We still have some issues and our belt had to be tightened in the past three years. We had some early retirements and had to use some of the rainy day funds but that is what it is to be used for as part of the plan when the sun is shining. We work very diligent and very mindful of maintaining and looking out for the tax

dollars. If it is not in the budget then you cannot get it. The Council members have gone off to training and development and the things that were learned in 1987 were brought back. They discussed the idea of having a retreat and they were scared about going on a retreat; however, in 1989, Mayor Rainwater told Council they were going to do it. They had a 1% sales tax in 1988 and they started planning and had a measuring stick that they could use to measure what was going on. That is what got us where we are today. Mayor Vickers stated that he did not want Council members, Staff, and citizens to forget how we got to where we are at today. We have little problems here and there but you need to check the record to see what has happened in 25 years. You will not find any debt that they have created that is on the property tax. Mayor Vickers stated that is really saying something and he commended Council for that.

CITIZENS TO BE HEARD

Pat Denmark, 2101 Oakdale Drive, stated that she wanted to address the parking situation in neighborhoods because there are 10 or 12 unrelated people living in a house. She has called the City Marshals numerous times but has been unable to get hold of them. When there are 15 cars parked in a lot at a private home you want someone to come out then because they scamper quickly. Ms. Denmark stated that she cannot do anything about it because the lease is made out to one person. She starting making little graphs with the date, license tag number, make and model of the cars just to appease herself so that she knew what she was seeing was true. She has no recourse though. Every night there are eight cars parked in a private home. She calls the Police if they are blocking the intersection or if they are parked the wrong way. Ms. Denmark stated that she cannot believe that our residential neighborhoods are going into rental properties because we do not have any way of enforcing something. Ms. Denmark inquired as to whether there was some way the City could have a "Good Neighbor Agreement" with Valdosta State University. Maybe these students need to learn how to live in a neighborhood. Her property value has dropped because of what is going on next door and the people across the street are not even putting their house on the market because of what is going on next door. Mayor Vickers stated that if Ms. Denmark cannot reach the City Marshals to call the City Manager's Office. George Talley, City Attorney, stated that the City of Athens has had some Ordinances limiting the number of unrelated people living together that were declared to be unconstitutional and it is a continuing issue that stays in court. We are trying to determine a solution and we are working with the attorneys at the Georgia Municipal Association. This is not just a problem in Valdosta but it is nationwide. Ms. Denmark stated that Mike Hill wrote an article several years ago that stated there are some universities that are good neighbors and asked that Council revisit that. She has been to the owner and landlord and has done everything she knows to do without placing herself in a precarious situation.

Sam Allen, 306 Jennifer Circle, stated that they appreciated Council's stance on the consolidation issue. If you look at the impact numbers and taxes that will be placed on the City and County voters as a result of this consolidation, there would be a 23% increase in City taxes and over 40% increase in the County on just using the numbers that have been provided by CUEE. The Mayor has learned well from the City Manager because he is quick to point out to him each time he gets his City tax bill that the City tax is 4.1 and the biggest portion of the tax bill comes from the Board of Education. It is extremely important as pointed out in the Position Statement that there is no plan. Whenever he comes to City Hall and the City is proposing anything there is always a plan. The citizens of Valdosta are being asked to vote on a plan that does not exist. It is almost like one of those things like trust me because we will take care of it. There is not one person on the Lowndes County Board of Education that he does not trust but he would still want to see a plan. He has listened to a group of people that are giving him things that may happen but they cannot assure him because they are not elected officials. Mr. Allen stated that he thought some of the citizens were misled into signing the petition and they were told things that were not true. Now we are in a position where we are going to the polls to vote on this issue. We are fighting for our very existence because once this reaches the ballot and if it is positive then the Valdosta City School System will never have another opportunity to vote on this independent school system again. Mr. Allen stressed to them to go into our public schools and see what they are doing. Valdosta City Schools and Lowndes County Schools have a good program but neither one of them are perfect. You will not find a school system in the State of Georgia that is perfect. We are talking about Adequate Yearly Progress (AYP). Just the other day Senator Johnny Isakson went to Washington, D.C. to request a waiver because he said that when the law was written for No Child Left Behind they knew that by 2014 no school system would be able to make AYP. When we look at the data and figures and the consequences of this vote for our community, we have to vote no on this issue. Mr. Allen stated that he goes all over the State and everyone wants to know how a community can support two fine school systems. It is okay to

have one but why can't we have two. Mr. Allen thanked the Mayor and Council for their support of our school system, the faculty and staff, the students, and our future.

Bill Love, 2207 Azalea Drive, stated that the City Schools appreciate all of the effort that the Mayor and Council has put forth to help them out and thanked them for their support.

Karen Noll, 2305 Glynnedale Drive, stated that she was glad to see that Council brought the Position Statement on consolidation forward and moved to pass it. It is very positive and important to our community. We have 7,700 students that are depending on us to do the right thing and your leadership is very important. They have no plan in place except to raise our taxes and that is not a good plan. We would get no improvement in educational outcomes and you would be diminishing the number of students attending public school if the school systems are consolidated. Ms. Noll stated that she did not grow up here or graduate from any of the systems and she doesn't enjoy football, but she does support public education. By voting no you would be supporting the continuation of a very good program that serves a lot of our children and brings them to a positive future.

John Robinson, 3227 San Juline Circle, Lake Park, stated that he wanted to speak on behalf of the Black Business Association and small businesses. They have been involved in a number of projects around the City and lately they have been working with the Housing Authority. They just completed a historic project last week involving Section 3. Mr. Robinson asked that the Mayor and Council participate with them in the Valdosta Small Emerging Business (VSEB) Program that has been implemented by the City. They have been working diligently to make sure something can happen to get money and development on the Southside. They want to invoke Section 3 under Title 6 so that they can have the privileges and work with the establishment to get something done. The meeting last week was very positive. They had a bid on a project and got some contracts where the money is being localized in the community. At least \$150,000 has been allocated to the small businesses in our area. This is the time to implement change and have jobs and promotions. We all need to be educated about Section 3. If we don't have money in circulation in our neighborhoods to get jobs that can stimulate our local economy it will remain the same. Mr. Robinson asked for Council's for their cooperation in working with the VSEB Program and to get a good understanding of Section 3.

George Boston Rhynes, 5004 Oak Drive, stated that he has been getting calls from the Hudson Docket area and a lot of people who live there do not trust the Police Department. That is no reflection on Chief Simons or the Officers but there was a sex offender in the community and Mr. Mark Stalvey, Executive Director of the Housing Authority, can discuss that with the Council. They seem to believe that if they call the Police they will come straight to their house and they become the victim. The person who commits the crime runs and gets away. Another thing that he has heard is that they need to put a gate at the entrance way. Most of the people who live there feel like if they had a security person there it would make a difference. Mr. Rhynes stated that he also had a woman call him about placing speed bumps there so he went to the Housing Authority and they jumped on it and put speed bumps in.

ADJOURNMENT

Mayor Vickers entertained a motion for adjournment.

A **MOTION** by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the October 6, 2011 meeting of the Valdosta City Council at 7:11 p.m. to meet again in regular session on Thursday, October 20, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta