

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, OCTOBER 9, 2008**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Willie Head, Jr., John Eunice, Robert Yost, and James Wright. Councilman Alvin Payton was absent. The invocation was given by Dr. Gerald Thomas, Sr., of Greater Pleasant Temple Baptist Church, followed by the Pledge of Allegiance.

Mayor Fretti recognized, Matt Flumerfelt, the new Reporter from the Valdosta Daily Times, who will be covering the City Council meetings.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE OCTOBER, 2008 EMPLOYEE OF THE MONTH AWARD**

Mayor Fretti entertained a motion for the October, 2008 Employee of the Month Award.

A **MOTION** by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve the October, 2008 Employee of the Month Award.

Mayor Fretti presented the October, 2008 Employee of the Month Award to Willie Newkirk, Fire Department.

Willie Newkirk began his employment with the City of Valdosta Fire Department in May, 2001 as a Fire Apparatus Mechanic which is the position he currently holds. Mr. Newkirk is responsible for performing preventative maintenance and making repairs to Fire Department vehicles and equipment. This work is highly specialized involving not only mechanical repairs but a knowledge of hydraulics and pumping systems. When servicing vehicles, it is critical to provide a quick turnaround to ensure that fire trucks and equipment are available to respond to emergency situations as needed. Recently, Mr. Newkirk used his abilities to perform work in-house that normally would have been outsourced saving the City considerable money. He assisted our fire truck manufacturer, Emergency One, with field repairs to the 100 foot articulating boom apparatus and worked on the outfitting of equipment for the newly acquired GSAR apparatus. This was accomplished during the same time period in which he volunteered and worked overtime to support emergency crews during Tropical Storm Faye. His outstanding knowledge of fire apparatus repairs and sense of urgency has resulted in an average maintenance turnaround time of eight hours or less per vehicle. Mr. Newkirk is a dedicated employee who volunteers regularly to work nights and weekends to perform emergency repairs even when not on call and his recent help in installing computer software in stations throughout the City has helped to increase communication and response times. For these reasons and many others, the Employee Relations Committee nominated Willie Newkirk as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the September 25, 2008 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

**CITIZENS TO BE HEARD**

Bill Gaskins, 6480 New Bethel Road, stated that he represented the building industry and they felt that there needed to be more debate on the Land Development Regulations (LDR) Zoning Code. There have been some forum meetings where questions were raised and vaguely answered but no real debate has taken place. It has been a tough year in the building industry and they are constantly dealing with new regulations which drive the cost of housing up tremendously. There was a meeting yesterday regarding affordable housing or work force housing and several members of the Home Builders Association attended. This is affordable housing for policemen and firemen

and it is getting harder and harder to keep it affordable for them with the pay scale that they are in. Mr. Gaskins stated that the new LDR zoning, which is over 1,100 pages, will drive the cost of building up. Even though the City Council has the City of Valdosta in mind and would like to move the City forward, it has been a lot for the building industry to take in during this past year. A couple of weeks ago, the building industry had a hard blow when sprinkler systems were passed in the new building code which will go into effect in a couple of years. It will then be mandatory to install sprinkler systems in all single family homes. That alone will cost \$3,000-\$5,000 and all these costs will get passed on to the consumer which they are really concerned about. Mr. Gaskins asked Council's consideration in giving the Home Builders Association more time to review the LDR. They did not understand why the City has to be so aggressive and pass this so quickly. Mr. Gaskins suggested that a booklet be put together for each industry that is involved in the LDR zoning prior to the final vote in order to give them a better idea of what they can and cannot do. This document is over 1,000 pages and no one truly knows everything that is in there. The Home Builders Association would like to have more debate so that they can truly understand what is in there before it is voted on.

Councilman Yost stated that he would like to have some examples of what Mr. Gaskins' did not like about the LDR or what he felt needed to be revised. Mr. Gaskins stated that he did not have specifics tonight and that is the problem. The survey people, the builders, and the developers have questions but there has been no real coming together to organize it and bring specifics. The surveyors had some serious issues with the GPS or something to match up to a map that the City wants to use and there were not enough reference points. Some of the builders are concerned about areas where the zoning would require them to comply with certain types of features on the house. Councilman Yost inquired as to whether Mr. Gaskins and his organization or anybody else could have the specific concerns nailed down within two weeks. Councilman Yost stated that he did not know why this has not already been done since they have been working on the LDR for well over a year. Mr. Gaskins stated that two weeks is not enough time because they just received the final section of the LDR which was completed within the last month or so ago. They have been going through the process but they have not seen a final draft. They would like to compare the LDR to what the County did when they went through a similar rezoning a few years ago. There was more debating during the County's process and though he was not criticizing the City or Staff who worked on the LDR, there has not been enough debate. The last meeting that Mr. Gaskins went to the Home Builders Association raised some concerns and they left with a feeling that the City was going to do what they were going to do. They do not know what happened from that point. Mayor Fretti stated that he was disturbed to hear Mr. Gaskins say that and he was surprised about the sprinkler comment. Mr. Gaskins stated that the Home Builders Association on a local, state, and national level has fought the sprinkler system for years. In fact, Mike Martin, Director of Community Development, went to New York City last year to vote on it and he voted no; however, they did a very good job lobbying and got it passed. Mayor Fretti asked that the Home Builders Association submit their changes to the Council members so that they will know where the Home Builders Association is not in agreement. Mr. Gaskins stated that one of their problems and a lot of the builders and associates are in survival mode. It has been very hard this past year to hold meetings and have people show up to get organized. It really takes four or five meetings to get everything organized. Councilman Yost stated that if the Home Builders Association knows there is an issue they do not like then they need to offer some suggestions. Mayor Fretti asked Councilman Carroll about the County's UDC and how many amendments have come forth since it was passed. Councilman Carroll stated that there have been 378 changes. Mayor Fretti stated that the City watched the County on the UDC and their process and he hoped that the City's LDR will be a better product in the end.

George Boston Rhynes, 5004 Oak Drive, stated that he believes too many citizens in Valdosta and Lowndes County bury their heads in the sand and ignore the problems in our community. Mr. Rhynes stated that he had recently received an e-mail stating that ABC was coming to Valdosta and what they were going to report may or may not be negative. He was a part of the ABC tour to come to Valdosta and he was concerned after reading the letter that was forwarded to him. Mr. Rhynes stated that he welcomed, along with many others in the community, ABC, NBC, MSNBC, and other televisions networks to come into Valdosta and do what they need to do because in the long run truth is good for our republic and our form of government. If we have problems in house then we need to work on those problems so that when people come into our community we truly can welcome them with open arms. If we have internal problems, whether it is race or hiring practices, we may need to do some internal adjustments to make Valdosta a better place. America did not get where it is today because things were covered up, although we did for a while; however, the more truth that comes to Valdosta and Lowndes County

and is shown to the world then we will all become free and those who serve this great nation will be proud of the service that they render.

Bill Gandy, 705 West Cranford, inquired as to whether Council has read the entire LDR document. Mayor Fretti stated that he has not read every single word of the document and inquired as to whether Mr. Gandy had read it all. Mr. Gandy stated that he had not read the entire document and did not plan to read it all; however, we need some changes in Valdosta but now is not the time. The builders are struggling and this new document will add cost to development. This is a way to stop growth or it could generate revenue. With the economy the way it is, now is not the time to implement the LDR. This will affect businesses, private individuals, property owners, minorities, and people who cannot afford houses. The surveyors have a problem with it and last week the underground utility companies had an issue because all new developments have to be underground which will add \$3,000-\$5,000 per house. There are a lot of issues in the LDR that have not been addressed. The builders do not have a consultant or team leader who is not working and can put all this together with all the questions and answers in two weeks. It is not fair to the companies or the people who have been living here and paying taxes to dump this on them without having some thorough discussion and debate about some of the issues in the LDR. Mr. Gandy received a document which summarized significant changes to the LDR and inquired as to what the changes are and when the changes were made. Larry Hanson, City Manager, stated that this was from the present Code to the new LDR Code and it was dated August 4, 2008. Mr. Gandy stated that no one has addressed the underground utilities in the LDR. They attended the meetings and had serious issues and discussions but they never received any feedback. Mayor Fretti inquired as to whether they offered any suggestions at the meetings. Mr. Gandy stated that they offered line item suggestions and inquired as to whether it was imperative that this document be implemented by January 1, 2009. They do need some things changed but when you go to the magnitude of this document and start putting this on the business people and the folks in the community it is not fair. It will be a burden and will drive up the costs. The Home Builders Association would love to work with the City and debate but they do not have a team leader or consultant. They are all working people. Mr. Gandy asked for Council's consideration in reconsidering the LDR. Larry Hanson, City Manager, stated that Page 14 does mention under Significant Changes—Electric Power Distribution System so it is noted in the document as an area of significant change. Mr. Gandy stated that this refers to water supply and sanitary sewage and does not say anything about communication, electrical power distribution, or underground installation feasibility criteria. The City is putting the burden back on the Home Builders Association to go back and research what the new thing is versus the old and then determine what the significant change is. They work and do not have time to do this and they are not getting paid to do this. Mayor Fretti stated that if there were particular significant changes that Mr. Gandy wanted to have highlighted then Anne-Marie Wolff, Planning and Zoning Administrator, would send it to him. Mr. Gandy stated that Councilman Yost asked if they could do this in two weeks and they do not have a person to do this and cannot hire someone to help coordinate and pull all this together. The City has had someone to put all this together for a year and now that the document is almost complete there should be some time that they can all go through these sections and see if they can come to terms on some of this. Mr. Gandy stated that Appendix H, Standard Design and Construction Details, was revised to require modern design in construction and he inquired as to how the City can dictate what he can do on his private property. George Talley, City Attorney, stated that zoning laws were passed by a constitutional amendment in a referendum. Mayor Fretti asked Mr. Gandy for a time frame. Mr. Gandy stated that six months would be the minimum because they are all working people and do not have time to put all this together. It is not just the building industry but a lot of other industries that are going to be affected in Valdosta. Mayor Fretti stated that there could be a compromise between the time frames proposed by Councilman Yost and Mr. Gandy and felt that Council would give reasonable time.

## **PUBLIC HEARINGS**

### **REQUEST TO APPROVE DOCUMENTS IN SUPPORT OF UTILIZING GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (GEFA) FUNDS FOR THE EXPANSION OF THE MUD CREEK WASTEWATER POLLUTION CONTROL PLANT**

Consideration of a request to approve a Facilities Planning Document and an Environmental Information Document in support of utilizing Georgia Environmental Facilities Authority (GEFA) funds for the expansion of the Mud Creek Wastewater Pollution Control Plant.

**REQUEST TO APPROVE DOCUMENTS IN SUPPORT OF UTILIZING  
GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (GEFA)  
FUNDS FOR THE EXPANSION OF THE MUD CREEK WASTEWATER  
POLLUTION CONTROL PLANT (CON'T)**

**10/09/08 CONTINUED**

Kartik Vaith, Camp Dresser and McKee, Inc. (CDM), stated that a Public Hearing was part of the requirement in order to utilize Georgia Environmental Facilities Authority (GEFA) funding for the expansion of the Mud Creek Wastewater Pollution Control Plan. Don Maurer and Tyler Tedcastle, both of CDM, were also in attendance to answer any questions. Mr. Vaith stated that the Mud Creek Water Pollution Control Plant was built in 1977 and expanded to its present capacity in 1986. The current capacity of this Plant is 3.2 million gallons per day (mgd) and the peak flow that the Plant is seeing during the rainy periods is 8.05 mgd which is more than 2.5 times the current capacity. This is related to the collection system which is another project that is ongoing. The Plant design capacity is 3.2 mgd and the influent flow to the Plant is 3.2 mgd so there is a need to consider expansion. The Plant itself is a conventional activated sludge process and the effluent, or finished water from the Plant, goes into Mud Creek. The effluent is highly treated and meets all of the current regulatory standards. The biosolids stabilization, or the solids that are produced in the Plant, are now done through an unconventional process where chlorine is applied and then it is taken to a Municipal Solid Waste Landfill for disposal. There is a need to look at this process and improve it as well. The first goal for this project is to rehabilitate the existing Plant and some of the equipment that is 30 years old and is at the end of its useful life. The second goal is to expand the Plant from 3.2 mgd to 5.7 mgd which will take the Plant through the year 2025 or beyond. The new treatment technology that CDM is proposing for this Plant is geared to meet more stringent permit limits mandated by the Environmental Protection Division (EPD). This is part of the regulatory process over time and the EPD is demanding that the water discharged into Mud Creek is cleaner. The biosolids treatment is also being upgraded to meet future regulations and to improve reliability. The regulatory and financing approvals require that a Public Hearing be held. The facilities plan component analyzes the existing Plant and the feasible alternative for wastewater treatment. CDM reviewed the cost effectiveness of the alternatives and demonstrated that the facility was eligible for funding under Title II of the Clean Water Act (CWA). An implementation plan was developed and an Environmental Impact Document (EID) was prepared which shows the anticipated impacts of the expansion on the local environment and the social and economic conditions of the area. As with any construction project of this nature, there are some impacts to be considered. The technical evaluation by CDM looked at four different liquid treatment processes and five different biosolid treatment processes. CDM concluded that the MLE process will allow the City of Valdosta to meet current and future permit limits and would maximize the use of the existing tankage that is currently at the Plant. This is also proven technology and that is one of the reasons this process was selected. It will meet future needs and current equipment can be used which minimizes cost. The aerobic digestion process that CDM is recommending for biosolid stabilization provides the City with a reliable and flexible system for the future. The current process that is being used does not technically meet the intent of the regulations. The proposed process will take the sludge and make it a Class B sludge which can then be land-applied. The lowest overall cost for both of these alternatives combined was approximately \$47.5 million. This is an approximate amount because the design is not complete and the numbers are being refined. The Environmental Impact Assessment suggested that taking no action was not a viable option because the Plant is currently operating at capacity and it would not allow for further development in the Mud Creek basin as a whole. The City is subject to fines by EPD if they cannot meet the permit limits and it does not put public health and safety first. The Plant has to treat and discharge cleaner water into Mud Creek which mandates that taking no action is not an option. Expansion within the proposed property and surrounding land can be done and nothing beyond the property that the City currently owns is being disturbed. An anti-degradation report has been completed which shows that this discharge does not have an adverse impact on the receiving water body.

The capital financing for this project is \$47.5 million and CDM has come up with a capped area style combination of options to minimize cost impacts. The options include a State Revolving Fund (SRF) loan with financing at 3% (GEFA loan), SPLOST funds, and utility rate revenue. The analysis prepared by CDM reviews what could be accomplished with the SRF loan as compared to revenue bonds on the open market. The interest rate for revenue bonds was assumed to be 5.5% but is actually higher than that in today's market. The annual cost of the selected plan with the SRF loan would result in a debt service of \$3.175 million. Because 50% of the flow is domestic, the impact to domestic customers would be \$7.94 per household or ERU (Equal Residential Unit). The normal rate increases over the next four to five years would cover the cost of this debt. Also, SPLOST allocations to this project would reduce the need to borrow the entire amount of money, which further reduces any rate impacts and increases considerations for the public. The City can choose to borrow less by allocating more SPLOST money

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**10/09/08 CONTINUED**

and for every \$4 million from SPLOST money you save \$1.00 a month for ERU. This is the capped area style option that is available at this time. In the normal course of business, the rate would catch up with what is needed to cover the debt service and the first payment for the GEFA loan is not due until the fiscal year 2012. As the City receives the funds, all that is required to pay initially is the cost for getting the money which is a 2% fee.

In summary, Mr. Vaith stated that taking no action was not an alternative. The MLE process and aerobic digestion provide the nutrient removal and permit compliance at the lowest overall cost. There are no adverse environmental, social, or economic impacts other than those associated with normal construction of this type. Implementation is affordable within the framework of this capped area style option that is available. Mr. Vaith recommended that Council accept and adopt the public comments on this plan and the recommendation of Staff and CDM to move forward in the manner outlined, and to approve and adopt the Mud Creek Facilities Plan and the Environmental Impact Document which were available for public viewing for 30 days. Mayor Fretti stated that funding of water and sewer products is not for the faint of heart. It is critical infrastructure and as seen in other cities where they waited and incurred violation after violation, such as the City of Atlanta, and then have to go for some special type of funding in an emergency situation to repair things that were ignored. Mayor Fretti stated that he was proud of the Staff, the City Manager, the Utilities Department, and Council, both past and present, for looking at this issue.

Afsaneh Jabbar, Assistant Utilities Director, stated that the City of Valdosta authorized CDM to start the design of this project earlier this year. The project construction has not been awarded and by this action they are not asking to spend the \$47.5 million but rather to provide authorization to move forward with the process for the GEFA loan. When we come back with a design and ask for construction, Council will have an opportunity to review the cost for design and construction once it comes back before Council and can then determine if the price tag is out of consideration or if the City is capable and willing to spend that amount. Ms. Jabbar stated that this request will be the last chance this year to ask for the funding. If we do not get it at this time then it will be next year before we can apply for it and with the economic situation it may not be a risk worth taking. Mayor Fretti stated that not only do we not know if the money will be there because there is a lot of funding that is going away, we can certainly imagine that it will not be at 3%. Larry Hanson, City Manager, stated that the City would like to preserve our right to borrow the maximum amount allowed by GEFA which is \$25 million at 3%.

Mayor Fretti opened up the Public Hearing portion of this request and asked if there was anyone who would like to speak in favor of the request. No one spoke in favor of the request.

Mayor Fretti asked if there was anyone who would like to speak against the request. No one spoke in opposition to the request.

Mayor Fretti closed out this portion of the Public Hearing and turned the request over to Council for action.

**A MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to follow the recommendation of the Deputy City Manager of Operations and approve a Facilities Planning Document and an Environmental Information Document in support of utilizing Georgia Environmental Facilities Authority (GEFA) funds for the expansion of the Mud Creek Wastewater Pollution Control Plant.

**ORDINANCE NO. 2008-41, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE**

Consideration of an ordinance to rezone .5 acres from Community-Commercial (C-C) to Single-Family Residential (R-6) as requested by Mae N. White and L. T. Austin (File No. VA-2008-30). The property is located at 1714 Ulmer Avenue. The Planning Commission reviewed this at their regular September meeting and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to down zone .5 acres from Community-Commercial (C-C) to Single-Family Residential (R-6S) for a personal use pavilion which is currently under construction on the property and would be used for family events. The general character of the area is a mixture of Commercial and Single-Family Residential uses with the Commercial uses located at three of the four corners of the Griffin Avenue and Ulmer Avenue intersection. The property is in an Established Residential Character Area and across the street is a Neighborhood Activity Center Character Area where the Headstart Program is located. The site plan depicts the construction of a 50 foot by 25 foot pavilion on a fenced-in lot with no paved parking proposed. The applicant's house is located directly behind (west) of the pavilion and there is a gate providing access to the pavilion from the house. Staff found the request consistent with the surrounding development and the Comprehensive plan and recommended approval. The Planning Commission reviewed this request at their September 29, 2008 regular meeting and recommended approval (7-0 vote).

L. T. Austin, 911 Ridgewood Drive, spoke in favor of the request. Mr. Austin stated that his mother-in-law is the owner of the property and for 42 years they have had a family reunion on Labor Day. They have had to rent places in the past. Mr. Austin stated that when the property was surveyed they asked his mother-in-law about the zoning and she told them it was Commercial; however, it was originally zoned R-6. Mr. Austin asked Council's consideration in following the recommendation of the Planning Commission and grant the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (6-0) to enact Ordinance No. 2008-41, to rezone .5 acres from Community-Commercial (C-C) to Single-Family Residential (R-6) as requested by Mae N. White and L. T. Austin, the complete text of which will be found in Ordinance Book XI.

#### **ORDINANCE NO. 2008-42, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE**

Consideration of an ordinance to rezone 75.7 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) and Multi-Family Residential (R-6) as requested by Perimeter Developers, LLC (File No. VA-2008-31). The property is located along the southeast corner of the intersection of Inner Perimeter Road and East Park Avenue (Lakeland Highway). The Planning Commission reviewed this at their regular September meeting and recommended postponing (5-2 vote) to allow time to obtain additional information and have the case re-evaluated by the Planning Commission at their October 27, 2008 regular meeting.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 75.7 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) and Multi-Family Residential (R-6). The property is undeveloped and the City's recent 467-acre land purchase surrounds two sides of the property. The property is located in the Inner Perimeter Road Corridor Overlay District which regulates sign height, median cuts, and access; however, under the soon-to-be adopted LDR, the Overlay District will regulate uses, exterior building materials, lighting, landscaping, and access requirements. The site plan depicts a Multi-Family Residential complex with several freestanding businesses and a commercial shopping center. This plan is only a concept and would need to be adjusted based on site topography, engineering, and development standards. Additionally, the applicant will need to ensure all residential areas with 25 units or more have at least two points of ingress and egress. There are approximately 14 acres of wetlands on the northern, eastern, and southeastern portions of the property and the applicants have incorporated a portion of these wetlands into their site plan; however, that will need to be addressed more thoroughly. The site plan does not currently meet the requirements of the Inner Perimeter Road Overlay District and the applicants are aware of this. The applicants would like to proceed with making it known what their future intentions are for this property and would like for the surrounding property owners to be aware of this. The property is located in a Suburban Character area which is a mixture of Residential and Commercial uses. The applicants are proposing something better than typical suburban development because it would allow for a good level of pedestrian and bicycle friendliness. The Planning Commission had concerns regarding the access onto Inner Perimeter and East Park Avenue and how transportation would be affected with this size of a development. Regulations are currently in place to address this issue as well as in the new Land Development Regulations which regulates where curb cuts, median cuts, lot width, and requires

a connectivity easement to ensure that traveler can go from one parcel to the north or south without having to get back onto the main road. Staff felt that with these Overlay District regulations, the integrity of Inner Perimeter could still be maintained while the land on both sides is developed. A question was raised at the Work Session about the required buffer for a Multi-Family (R-6) zoning being next door to an Environmental-Resource or conservation or recreational type use. Only a ten foot buffer would be required along that portion of the property. The assumption would be that you would basically be buffering a buffer if you are next door to a wooded lot so what would be the point for that buffer; however, it would be up to the discretion of Council as to whether there would be a more significant buffer required. Staff felt that this would be a good use of the property and would set the tone for development on this portion of Inner Perimeter Road. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their September 29, 2008 regular meeting and recommended postponement to allow time to obtain additional information and have the case re-evaluated by the Planning Commission at their regularly scheduled meeting October 27, 2008 (5-2 vote). Mayor Fretti inquired about Councilman Head's request at the Work Session to contact the land owners. Anne-Marie Wolff stated that she has tentatively scheduled a meeting for October 29, 2008 at 9:30 a.m. for the purpose of master planning that area. Letters will be mailed next week to the property owners stating that they are one of 31 property owners that purchased 84 different lots so there is possibly 31 different visions for what might be developed in that area. It would be to everyone's benefit to have dialog between the City and the property owners and this will be a good opportunity for that. Mayor Fretti stated that the buffering was to protect the residential portion and if the City chooses to do some active recreation in that area in the future and they would want the noise impact to be buffered from the residential. If the City was to move forward on that then we could add buffering on our side. Anne-Marie Wolff stated that the power easement does abut directly to the property so the chances of there being an active use under the power easement is slim. Councilman Carroll inquired as to whether this was at a stage where they need to follow the recommendation of the Planning Commission and hold off and allow for the meeting to take place or act on this based on the land use request. Anne-Marie Wolff stated that if this is the direction that Council looks for this portion of Inner Perimeter Road to go, which would be a mixture of Residential and Commercial and having it close to a park, then approval of the request would be appropriate. If there are still concerns or questions about the direction this area should go in then approval may not be the direction to take. Ms. Wolff stated that all the concerns that the Planning Commission had are addressed either through the existing Overlay District regulations or would be more thoroughly addressed at the meeting on October 29<sup>th</sup>. Inner Perimeter Road has plenty of available capacity to handle any increase in traffic and approval of the request would be appropriate. Councilman Wright stated that the traffic was one of the primary concerns in recommending the postponement and the City Engineer stated at the Work Session that the capacity of that road is 7,000 which is low so the traffic issue is not going to be a major problem in this area. Councilman Wright urged Council to follow the recommendation of Ms. Wolff.

Bill Nijem, Attorney with Langdale & Vallotton, spoke in favor of the request. Mr. Nijem stated that he represents the developer, Perimeter Developers, LLC, and they understood that the site plan is conceptual and revisions will need to be made to accommodate engineering and development standards including those that will be imposed under the new Land Development Regulations. The developers will also work with the City and the Georgia Department of Transportation on the access points. The developers envision the multi-family units to be similar to The Links that also has a nice buffer. This will be one of the first developments along Inner Perimeter Road and this does fit into what the City wants to do with future development. The development will also provide a solid tax base for the community.

No one spoke in opposition to the request.

**A MOTION** by Councilman Wright, seconded by Councilman Eunice, was unanimously adopted (6-0) to follow the recommendation of Staff and enact Ordinance No. 2008-42, to rezone 75.7 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) and Multi-Family Residential (R-6) as requested by Perimeter Developers, LLC, the complete text of which will be found in Ordinance Book XI.

**AN ORDINANCE AMENDING THE VALDOSTA  
ZONING ORDINANCE DENIED**

**10/09/08 CONTINUED**

Consideration of an ordinance to rezone .48 acres from Two-Family Residential (DR-10) to Office-Professional (O-P) as requested by David Brown (File No. VA-2008-32). The property is located at 227 West Moore Street. The Planning Commission reviewed this at their regular September meeting and recommended denial (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .48 acres from Two-Family Residential (DR-10) to Office-Professional (O-P) for a professional office. A one story house currently occupies the parcel, and the majority of the property surrounding this parcel is zoned DR-10 or R-15 to the west. The general character of the area is well-established residential although Valdosta State University has two adjacent properties to the south and east. Approximately 14 of the 27 parcels located on West Moore Street between North Oak Street and North Patterson Street are non-residential uses, with 9 being related to Valdosta State University. The proposed site plan shows a parking lot at the rear of the property which would be accessed from North Oak Street. There was concern about general circulation in the area since this portion of North Oak Street is one-way to the north. There was also some discussion about moving the garage on the property so that visitors could enter from North Oak Street and leave on West Moore Street or vice versa. The property is located in an Institutional Character Area which was drawn at the time that Valdosta State University was developing its master plan and the University indicated that they would go no further north than West Moore Street. The nine properties being used by Valdosta State University are still zoned for residential purposes. Staff was concerned there has been no clear policy or precedent set for non-residential zoning in this immediate area although the zoning for Valdosta State University-related parcels in the area has not changed and their uses will be a lot lower traffic depending on the type of services. There are several parcels that are not zoned residential but those are further to the east and closer to North Patterson Street. Even though the property is located in an Institutional Character Area which states that properties should be used to support an institution, this request is not one of those circumstances. An office use would be so broad that it could have a greater traffic impact and so Staff recommended denial. The Planning Commission reviewed this request at their September 29, 2008 regular meeting and recommended denial (7-0 vote) stating that the area is still residential in nature, that approval would set a negative precedent, and that there is a need to protect the existing development in the area.

No one spoke in favor of the request.

Dr. Shane Wood, President of the Georgia Park Neighborhood Association, 300 Georgia Avenue, spoke in opposition to the request. Dr. Wood stated that they felt the rezoning of this property would not fit within the integrity of maintaining their historic neighborhood. There are a few commercial properties in the area but they are located at the other end of the block. The Valdosta State University Foundation acquired those pieces of property in the area and handed them over to the University for their use; however, they generate low traffic in the area and are well maintained. Spot zoning this particular piece of property does not fit within the integrity of the neighborhood and the traffic issue is also a concern. Dr. Wood asked Council's consideration in following the recommendation of Staff and the Planning Commission and deny the request.

**A MOTION** by Councilman Yost, seconded by Councilman Eunice, was unanimously adopted (6-0) to deny the request to rezone .48 acres from Two-Family Residential (DR-10) to Office-Professional (O-P) as requested by David Brown.

**AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE POSTPONED**

Consideration of an ordinance to rezone approximately 18 acres from Single-Family Residential (R-10) to Highway-Commercial (C-H) as requested by John E. Johnson (File No. VA-2008-33). The property is located on the east side of Jaycee Shack Road, just north of East Park Avenue. The Planning Commission reviewed this at their regular September meeting and recommended denial (6-1 vote).

Mayor Fretti stated that at the Work Session it was mentioned that a possible use would be mini storage which would be in conflict with him and he would be abstaining from conversation and a vote if there was a tie.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant spoke with her prior to the meeting and he would like to postpone or withdraw the request. The change in the policy that Council made a year ago regarding having that type of request in writing was discussed with the applicant; however, Ms. Wolff wanted Council to be aware of the applicant's request prior to the presentation. The applicant had noted that he wanted to discuss the options of Community-Commercial and what type of uses are permitted so a possible postponement would be better and then the applicant could come back before Council and present that concept; however, if an agreement could not be reached then he could always withdraw and apply later. Councilman Eunice inquired as to whether postponement would require action right now before Council moves forward. Mayor Fretti stated that Council could hear the case with a postponement and Council does not necessarily have to hear the case with a withdrawal. Councilman Wright stated that Council had set a precedent in dealing with issues like this in terms of postponement and not waiting until the last minute. Anne-Marie Wolff stated that the policy change was for withdrawal of requests. Councilman Vickers stated that he thought they should give the applicant the opportunity to meet with Ms. Wolff. George Talley, City Attorney, stated that if it is discussed and then it comes back up again for changing to a different zoning then there would have to be another Public Hearing. Anne-Marie Wolff stated that if the request was postponed then the Public Hearing would still need to occur before an action takes place. The request has been advertised for the most intense zoning and it is Council's privilege to go down to C-C, C-N, E-R. Mayor Fretti stated that he could still call for the Public Hearing if Council so chooses. Councilman Wright stated that he was concerned about the precedent this would set and if Council does this then it should be done in all cases. It previously came up when they went through all the work and planning and then they got to the Council meeting and the applicant wanted to withdraw or postpone it. Councilman Wright stated that he did not have a problem with doing it but standards were set by Council for this and they should be fair and do it for everybody. George Talley, City Attorney, stated that he thought that if the applicant wanted to withdraw it then we needed to know because of provisions of State law require that it cannot come back up for a period of time. Councilman Vickers stated that they changed the policy because people were trying to use that as a gimmick. Councilman Wright stated that if an applicant finds out that the request is not going to pass then they want to postpone it or withdraw it and that was why they went through the process and asked that Council be consistent. Anne-Marie Wolff stated that the applicant was not familiar with the process and has asked her about postponing the request earlier this afternoon. Larry Hanson, City Manager, stated that in the past they had instances where 30-40 people show up for a controversial case and then have the applicant ask for postponement or withdrawal multiple times which was an inconvenience to a lot of people. The City should always be concerned about honoring policies and not setting a precedent. Anne-Marie Wolff stated that in this instance it could almost be Staff asking for a postponement as well. Larry Hanson stated that the City Attorney stated that we could not deny someone legally from withdrawing their case.

**A MOTION** by Councilman Vickers, seconded by Councilman Head, was adopted (5-1) to postpone the request to rezone approximately 18 acres from Single-Family Residential (R-10) to Highway-Commercial (C-H) as requested by John E. Johnson until the first Council meeting in November with Councilman Wright voting in opposition.

**ORDINANCES AND RESOLUTIONS**

**LAND DEVELOPMENT REGULATIONS (LDR) ORDINANCE (FIRST READING)**

Consideration of the Land Development Regulations (LDR) Ordinance. (First Reading)

Anne-Marie Wolff, Planning and Zoning Administrator, stated that this was the First Reading of the Land Development Regulations (LDR). Some of the issues were reviewed at the Work Session and some were brought up tonight under the Citizens to be Heard portion of the Council meeting. Those items brought up at the Work Session were: (1) Summarize the comments about the underground utilities, (2) How the building permit process would work at the end of the year, (3) Overlay for Valdosta State University parking to address concerns regarding residential parking, and (4) Various land uses. Councilman Vickers stated that he was concerned about the in-fill land and some of the issues that the contractors brought up; however, they need to identify those areas that they have concerns about. He was also particularly concerned that the contractors felt their concerns really did not get addressed in the Public Hearing. Anne-Marie Wolff stated that the project was initiated in June, 2007 and since

that time they have had both public meetings, focus group meetings, and stakeholder meetings. The Home Builders Association was also contacted as well as the Industrial Authority and the Chamber of Commerce and met with them at least twice. The primary concerns were related to the building location plan that is required and in some cases the City would require an actual plan. There are a couple of new zoning districts that are optional and no properties are being rezoned to these but it is optional if a developer wants to pursue it. In that case, there are some requirements for a plan which the developer would have to provide and not the home builder. There is also a new Residential-In-fill (R-I) zoning district which is what Councilman Vickers was referring to and this will help fill up some of the vacant lots in the older parts of town. A site plan is also required for that because the City does not want someone constructing a house that does not match the character of the neighborhood that is already in place. Councilman Vickers stated that he was concerned about the historical district. Larry Hanson, City Manager, stated that some of this has come from Council members because there were instances where there was a 40 foot lot width and someone comes in and builds a home immediately adjacent to a side yard setback of another property owner. Having site plans with some of the older lots that are non-conforming and do not have the width will help to avoid any unintended consequences. Councilman Vickers inquired as to whether an architect had to develop the site plan. Anne-Marie Wolff stated that currently they could just show a drawing that indicates the layout of the house on the land.

Councilman Yost stated that Council was planning to vote on this in two weeks and it would be implemented in January, 2009. One of the things that Council could do is to give the builders more time but six months will not work. Councilman Yost suggested that Council hold off on the second reading until the first meeting of January and then the LDR would become effective as soon as Council votes on it. If it is moved to December, Council does not always have the second meeting of that month and he would like to give the builders enough time. The Home Builders Association does have a full time employee that should be their contact. Mayor Fretti stated that the City Attorney has indicated that there has to be consecutive Public Hearings. George Talley, City Attorney, stated that he was concerned about the cost and did not think there was a lot of cost added to the LDR. Anne-Marie Wolff stated that they have already postponed this for one month at the request of the Homebuilders Association after they submitted a written request in August asking for additional time. The City went ahead and pushed back the schedule for one month and did not receive a lot of additional feedback. Typically with these types of events you do not get feedback until it is on a public agenda. As far as the costs are concerned, it costs money to develop and if the City is going to require higher standards in some areas it may cost more upfront but maintenance, longevity, sustainability, and improved quality of life will cost less in the future and make the community better. Larry Hanson stated that there are also areas that are given greater latitude and flexibility that will in fact lower costs. Anne-Marie Wolff stated that they are providing density incentives, bonuses, and administrative variances with a lot of flexibility. Councilman Carroll stated that several of these the new zoning classifications are up to the property owner. He also made numerous contacts with the Home Builders Association asking them about the LDR and whether he could assist in arranging meetings with the consultants. He also set up some meetings for the Chamber of Commerce. This is the first time in all the conversations that have taken place that he has heard about their concerns now. Councilman Carroll stated that in all fairness to the Home Builders Association, Council should provide a little more time so that they can address the specific issues. Councilman Head stated that the Home Builders Association has not taken a lot of time with this and now it is upon them. He has spoken with several of the Home Builders Association members and learned that they have not spent much time on it. If we schedule one meeting with Anne-Marie Wolff and the Home Builders then they can air out some of the concerns they have. Councilman Head stated that he did not favor six months but felt that four weeks or six weeks would be ample time. If they cannot give us one idea of an area in the LDR where they disagree then that tells him that they have not spent any time looking at this. Councilman Wright stated that the fact that we are now having this conversation supports the fact that there are a lot of unknowns in the ordinance. The Home Builders have raised some valid points that the extra cost that is imposed upon them will go directly to the homeowner and will affect jobs and everything else in the community. They are asking for someone to explain the ordinance to them and allow for some input from those working in the field. They have no idea how to comply with the rules and that is why they are concerned. They do not have a representative to sit at every meeting. Larry Hanson stated that the Home Builders do have full time staff. Councilman Wright stated that if they do have staff then that person should be there and raise those questions. They work long hours and are providing a valuable service to the community and Council should allow time for them to get their concerns together. Mayor Fretti stated that Council could

actually postpone the first reading for two weeks and in between that meeting there could be more agreed upon time to postpone the first reading again until the second meeting in November. Anne-Marie Wolff stated that this could work even though they have already advertised for the first and second reading which could be re-advertised. Given a limited time for a postponement is good because it makes the Home Builders Association see a sense of urgency to the situation. It is very difficult for Staff to give specific answers to vague questions. Staff would be glad to meet with the Home Builders Association and go over the regulations by chapter. Councilman Yost inquired as to whether they could have the First Reading at the last meeting in November with the Second Reading the first meeting in December and then the ordinance could go into effect January 1, 2009 if approved by Council. Mayor Fretti inquired about the gap of time in between the Second Reading and the effective date. Anne-Marie Wolff stated that January 1<sup>st</sup> is always a good day to start a new ordinance and training of Staff and the development community would also occur during that period. There would also be creation of new applications so that everything would be ready. Councilman Head stated that he was in favor of the suggestion made by Councilman Yost, but the Home Builders need to do their due diligence in looking at the regulations and determining the specifics. Anne-Marie Wolff stated that an example of that would be the surveyors. They were notified and within a week they were having a meeting. They were organized, worked with their association, determined what their problems were, and provided a list of questions prior to the meeting. The questions were discussed at the meeting and all of their concerns were addressed. Councilman Yost stated that he wanted to make sure that they give the Home Builders Association enough time to address their specific concerns. Larry Hanson stated that this is not a new 1,100 page document and all of this already exists and much of it is not being revised. Everyone wants to work with the Home Builders Association and all of the constituency groups and Anne-Marie Wolff has as well. The City is open to hearing from the Home Builders and wants to consider anything that would have a negative impact because the City has no interest in trying to do something that is harmful to the housing industry. The City wants to work together and balance all the issues and this is the best effort to do that. Our best work is when we can have dialog with a group that has specific issues that they have identified and hopefully the Home Builders will review the information and meet with the City staff in order to resolve any issues. Mayor Fretti inquired as to whether Council would like to postpone the request for one month until the first Council meeting in November which gives four weeks until the First Reading and then another two weeks until the Second Reading.

**A MOTION** by Councilman Head, seconded by Councilman Yost, was adopted (6-0) to delay the First Reading until the last Council meeting in November and the Second Reading to occur the first Council meeting in December, and Staff would meet with the Home Builders Association representatives within two weeks giving them due notice with the time between the meeting and the First Reading to allow Staff to make any adjustments or changes if necessary.

**GREATER LOWNDES PLANNING COMMISSION JOINT ORDINANCE AND AGREEMENT POSTPONED**

Consideration of the Greater Lowndes Planning Commission Joint Ordinance and approval of an Agreement.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the Greater Lowndes Planning Commission (GLPC) has worked during this past year on revising the Ordinance that establishes the Planning Commission. The proposed major changes are: (1) Increase members from 10 to 12 (4 County, 4 Valdosta, 1 Hahira, 1 Dasher, 1 Lake Park, 1 Remerton – should they choose to participate), (2) Transition from staggered terms to calendar year terms (January to December), (3) Provide a monthly stipend for reimbursement of personal vehicle use and gas related to monthly site visits for each member. The stipend amount would be established by each member government and would only be issued to those attending the regular meeting, (4) The GLPC would create an annual budget for submittal to the member governments with the total budget to be divided among the member governments based on their proportion of the total County population. Currently the budget is prepared by the South Georgia Regional Development Center (RDC), and (5) No member of the Planning Commission shall hold any other elected or appointed office. Staff would also like to add mandatory training for the members. The Joint Ordinance also needs to be updated to accurately reflect the correct number of members. Councilman Yost inquired about the Memorandum of Understanding (MOU) between the Industrial Authority and Lowndes County.

He also wanted to know what the MOU stated, what it authorized, and whether the City's appointments on the Industrial Authority approved the MOU. Larry Hanson stated that the MOU was merely to get some agreement to move forward on drafting a permanent agreement which will be acted on at the Industrial Authority's meeting on October 21, 2008. This is related to their funding. Prior to House Bill 489, the County made a decision to fund the Industrial Authority with a dedicated millage to come straight from the Tax Commissioner; however, now when the Industrial Authority looks toward acquiring land they need to know they have a permanent or long term source of revenue to repay it. The Industrial Authority has asked the County to make a commitment for the long term. The County would then agree to make a 15-year commitment for that one mil to be dedicated and they wanted certain things written into a contract, one of which was approval over land acquisitions. We have asked for a copy of the MOU but have not received it to date. Councilman Yost stated that the City's representatives on the Industrial Authority who were selected by Council answers to Council. Councilman Yost asked that Larry Hanson ask them for a copy of the MOU and they need to give it to him immediately. Councilman Yost stated that he would also like to know whether Lowndes County has any intentions of telling us or the Industrial Authority whether they can purchase property within the City limits of Valdosta.

Larry Hanson stated that the Planning Commission has always done an excellent job for the community. This is a new agreement and it is mentioned that there will be a monthly stipend but it does not mention what that would be. It states that the governments would provide a sufficient amount of revenue to pay it, but it would be important to spell out specifically what that is. The City's policy states that members appointed by the City cannot receive compensation so it is important to state specifically what it is. Larry Hanson suggested that it be designated as mileage reimbursement because they are required to go out and look at a number of different cases. It would be simple to put an amount in there up to \$30 or \$50 per month for mileage reimbursement and attendance at a meeting. If we do not put something in there then the Planning Commission itself would be determining what its compensation would be. For budget and funding, it states that the RDC is required to maintain a separate budget so the City would get two budgets, one from the Planning Commission and one from the RDC. It would be better to have one all inclusive budget within the RDC so that the Planning Commission has a clear understanding about the source of funds available to them and what is designated for the Staff of the RDC that provides overall professional support for the Planning Commission. It would also be good to add training for members. Councilman Carroll stated that there was a recent case where it was months before one of the members got reimbursed for an expense. Larry Hanson stated that the RDC will still be the fiscal agent and the reimbursement will come from them. This agreement also states that the Chairman will serve a term of two years which some Council members had raised as an issue. This could present a conflict with the City's appointment discretion when filling vacancies. Any Board, Commission, or Authority can choose to elect someone to serve a second or third term if they so desire but he was not aware of any others that had a specific two-year term. It was also mentioned that in terms of eligibility that the appointees reside in the jurisdiction of the government that is appointing them. Finally, there was primary concern in the change in the makeup of the Planning Commission. It was the Planning Commission itself that came to the City and County and other governments several years ago and asked to reduce the size of it from 14 to 10. Now the recommendation is to increase the size. If we are going to have a policy where the City and County are going to have equal appointments on all the Boards, Commission, and Authorities where we both make appointments then it needs to be across the board. It seems unusual to pick and choose which ones should have more or be equal. This agreement could also potentially be in conflict with House Bill 489. The House Bill 489 Agreement for planning services states that each government will provide its own planning. This agreement says that each government will pay a pro rata share based on their population so conceivably, this would require smaller cities to pay whether they use the service or not. Larry Hanson stated that Council could postpone this and direct Staff to write a letter back to the Planning Commission and either point out these concerns or do a rewrite and make some suggestions for improvement. Councilman Eunice stated that increasing the numbers was a concern to him and regarding the budgeting and funding, Council would not want to trigger a House Bill 489 re-negotiation. Councilman Eunice suggested that the request be postponed and for the City Manager and City Attorney to meet with members of the Planning Commission, the County Attorney, and the County Manager. Larry Hanson stated that it would be appropriate to respond directly to the Planning Commission and meet with their committee who worked on this.

Mayor Fretti asked if Council had any questions for Jennifer Powell, former Chairman of the Planning Commission, who was in attendance at the meeting. Councilman Yost inquired as to whether these concerns were

legitimate and whether the Planning Commission would be willing to meet and discuss these to find a common ground. Larry Hanson stated that there is one legitimate concern and that is that the actual legislation for the Planning Commission states there will be 14 members which has never been changed. What was changed was that it was reduced to 10 members on a trial basis and that expired a long time ago. It is important that something be formalized as to the permanent makeup of the Planning Commission but the question is what that will be.

Jennifer Powell, former Chairman of the Greater Lowndes Planning Commission, stated that was true. They were supposed to change the number of members several years ago but they never did so they are not in compliance. The Planning Commission has no objection to work with the City and work through this. Their goal is to have something in place that will work for everyone. Councilman Head inquired as to why the Planning Commission would like to have their own budget. Jennifer Powell stated all they wanted to know is what is available to the Planning Commission. They are fine with having one budget but the problem is that they have never known what was available to them. If they have money set aside for training and education and \$500 is budgeted per person per year, if the person cannot go to a meeting then they would like to be able to have other alternative means to maintain training. Without knowing that they have a budget available for that they do not know what they have to work with. Larry Hanson stated that he agreed and felt that it could be accomplished with one budget. Councilman Head inquired as to whether the Planning Commission had any input as to what their budget would be. Jennifer Powell stated that they do not know what their budget is. It took nine months to try and get someone reimbursed for a plaque that was given to a ten-year member. Councilman Head asked if the RDC comes up with the budget for the Planning Commission. Jennifer Powell stated that they do not know who comes up with the budget for the Planning Commission. Mayor Fretti stated that the City should ask for a meeting to be held on an annual basis with the Chairman and Vice Chairman of the Planning Commission so that they can discuss budget issues. Jennifer Powell stated that the Planning Commission would like to have some input as to what funds are available and what they are going to use them for. Larry Hanson stated that the City requires the RDC to submit a budget so it does exist but he was not sure why it has not been shared with the Planning Commission. Anne-Marie Wolff stated that there has been some turnover at the RDC and there has not been a person to take over the Planning Commission and own it. Also, the plaque issue was due to the lack of the word not being specified in the budget, but now there is a line item that is dedicated to those types of things so this should not happen again. Mayor Fretti inquired as to what was behind the rationale for the two-year Chairman and the one-year Vice Chairman. Jennifer Powell stated that it takes quite a bit of time to get your feet underneath you because this is a complex Commission. The Chair not only runs the meetings but also helps to maintain the ordinances and appropriate rationale so that they can educate the public and minimize the deciding factors that come to the Council. The Chair makes it a more informed meeting for the City Council and County Commission. The one-year Vice Chair was suggested in case there was someone who did not fare well in that position and they would not just roll into the Chairman position. They do have control from the Board because they have good flexibility in electing the Chairs and Vice Chairs and could probably work with that not being in the ordinance.

**A MOTION** was made by Councilman Carroll to postpone the request until such time as the City Manager, the Planning and Zoning Department Staff, Planning Commission Staff, RDC Staff, and representatives from the other member organizations from the Planning Commission have an opportunity to meet and work through the various issues identified with this Ordinance and bring it back to Council at such time they have reached a compromise or an acceptable arrangement. The motion was seconded by Councilman Vickers. Councilman Head inquired as to whether the motion included the RDC. Mayor Fretti stated that the motion does include the RDC. The motion was unanimously adopted (6-0).

**AN ORDINANCE FOR IDENTITY THEFT PREVENTION (FIRST READING)**

Consideration of an Identity Theft Prevention Ordinance. (First Reading)

Mark Barber, Deputy City Manager of Administration, stated that due to the ever growing increase in identity fraud, the Federal Trade Commission has recently adopted regulations referred to as the "Red Flag Rules" pursuant to the Fair and Accurate Credit Transactions Act (FACTA) of 2003. These red flag regulations include municipalities that provide utility services where personal information is necessary to open new accounts, where

the municipality accepts credit cards as payment, where the municipality contracts with third parties for payment collection (Internet payments), or where the municipality contracts with a third party for delinquent collection. The City of Valdosta meets all of the conditions. The draft ordinance, based on the new Federal regulations, closely parallels the City's current operating procedures for identifying possible fraudulent activity. The deadline for adopting the Red Flag Policies through the governing body of the municipality is November 1, 2008.

**RESOLUTION NO. 2008-17, A FINDING OF NECESSITY RESOLUTION FOR THE URBAN REDEVELOPMENT PLAN**

Consideration of a Finding of Necessity Resolution for the Urban Redevelopment Plan.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that this is the first step in order for the City to be able to adopt an Urban Redevelopment Plan. They are currently inventorying the area for the Plan and have the basic skeleton of the Plan in place. As soon as all the data is collected the information will be forwarded to the Mayor and Council. This is required by the State in the Urban Redevelopment Law to officially go on record that there are areas within our community needing additional assistance in order to be redeveloped. Also, a Finding of Necessity Resolution must be adopted by the Mayor and City Council in order to proceed with the creation of an Urban Redevelopment Plan. Anne-Marie Wolff recommended that Council approve the Finding of Necessity Resolution for the Urban Redevelopment Plan.

A **MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (6-0) to follow the recommendation of the Planning and Zoning Administrator and enact Resolution No. 2008-17, a Finding of Necessity Resolution for the Urban Redevelopment Plan, the complete text of which will be found in Resolution Book IV.

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

Consideration of a request to approve a contract for replacement of bar screens at the Withlacoochee Wastewater Treatment Plant.

Afsaneh Jabbar, Assistant Director of Utilities, stated that the Withlacoochee Wastewater Treatment Plant was expanded in 1986. There has been no major maintenance work on that facility since that time. The bar screens have been out of order for quite a while and the treatment at the Plant is now seeing the effects. A contract was awarded to Metcalf & Eddy, Inc. (M&E) in February, 2008 for the design of the bar screens. In July, 2008, the Mayor and Council authorized Staff to modify the contract with M&E from design to design build. The Staff has worked with M&E and negotiated a contract for design build in the amount of \$2,712,303. Afsaneh Jabbar recommended that Council approve the contract with M&E in the amount of \$2,712,303.

A **MOTION** by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve a contract with Metcalf & Eddy, Inc. in an amount not to exceed \$2,712,303 for replacement of bar screens at the Withlacoochee Wastewater Treatment Plant.

**CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that October is Community Planning Month and Anne-Marie Wolff, Planning and Zoning Administrator, has planned a lot of activities to inform the community of the benefits and importance of community planning. There will be things on Channel 96, the Rivers Alive Program, water plant tours, and a planning roundtable on October 15, 2008.

There will be six TitleTown Welcome to Valdosta signs going up in Valdosta this week. There will be two on Hill Avenue (east and west), one on Bemiss Road, one on North Valdosta Road, one on Madison Highway and one on St. Augustine Road near Exit 18.

George Talley, City Attorney, has been working with the City Manager on a Water Purchase Agreement with the City of Remerton. The Remerton City Council will vote on this at their Council meeting next week.

There was a successful housing Summit that the Georgia Department of Community Affairs participated in and the City was an active partner and co-sponsor. The event was well attended and the City Staff did an excellent job. Staff was also commended for all their efforts in what they are doing in the area of housing in the community.

The Valdosta Touchdown Club will be having their annual Hall of Fame Banquet prior to the next Council meeting and the City was just notified about the event. Last year the City purchased a table for \$500 and funds are currently budgeted for this event. Larry Hanson stated that unless there were any objections from Council, he would like to authorize funds in the budget to purchase a table for the Hall of Fame Banquet. There were no objections from Council.

Larry Hanson, City Manager, stated that Councilman Vickers and several others had asked him to provide a financial update on the City. There are a lot of negative things going on in the economy in which everyone is concerned about. The City Staff has been taking this serious for some time and they have been managing the expenses by conserving fuel and power in order to reduce costs. The Local Option Sales Tax check that the City received for last month was a 10% reduction which is an approximate \$100,000 decrease in Local Option Sales tax. There are many stores like Target and J. C. Penney's which have had a 12% overall reduction. This is a statement that people are having less discretionary income and they are fearful so they are spending less. The City is currently receiving the Ad Valorem taxes and we had expected \$5,318,000 but will actually receive \$5,307,000. The top sources of revenue for the City are franchise fees, insurance premium taxes, and business occupation taxes which appear to be fine, Court fines which are down through the first quarter, beer and liquor tax which is doing well, and motor vehicle tax which is \$75,000 less. If the first three months of the fiscal year were a trend and we collect sales tax, which is always two months in arrears, we would end this fiscal year about \$555,000 less in revenue than we expected. Cash flow has become a problem with some businesses because historically they could have tight margins and be fine but now they are having difficulty paying their bills which becomes a cash flow problem. That is why it is important for the government and the City to be financially healthy to have enough cash flow so that paying bills is not a problem. The City is seeing the cash flow reduced because there are more delinquent collections for utility and sanitation bills but we are monitoring this closely. That shows why it is important for a City to have a healthy fund balance because that is what we use for the day to day cash flow. Some areas of concern where costs are still going up is fuel where it is up 40% per delivery, utilities which have increased 19%, personnel services which have gone up 6-7%, and health care which is right on the money. The City is managing expenses and the Department Heads and employees are very conscientious and being conservative. It is also important that the City continues to invest in the area of construction because a lot of jobs are dependent on that. The City is collecting SPLOST money which can only be used for those purposes, and will continue to put out resurfacing bids for infrastructure that is not an additional operating cost to support it. The City is stable financially and will continue to be conservative.

Larry Hanson, City Manager, stated that there are two committees that need appointments from Council. The Audit Committee, which consists of Mayor Fretti, Councilman Carroll, Larry Hanson, Mark Barber, and Chuck Dinkins, to serve as the Request for Proposal (RFP) Committee for banking services, and the Storm Drainage Master Plan Committee which will review RFPs and update the Plan.

**A MOTION** by Councilman Head, seconded by Council Vickers, was unanimously adopted (6-0) for the Audit Committee to serve as the Request for Proposal (RFP) Committee for banking services.

Mayor Fretti stated that he would like for Councilman Yost to serve on the Storm Drainage Master Plan Committee. There being no other volunteers, Councilman Yost was appointed to serve on the Storm Drainage Master Plan Committee.

## COUNCIL COMMENTS

Councilman Head stated that even though the City of Valdosta does not see as many foreclosure signs as other communities are experiencing, he did notice a large number of people at the Courthouse square last Tuesday. Councilman Head suggested that the City consider partnering with the local banks and mortgage lending institutions to provide a voluntary forum to discuss ways in which homeowners might be able to save their home.

Mara Register, Assistant to the City Manager, stated that the local mortgage bankers were a part of the recent housing forum and it would be great to ask them to partner with the City and have a loss mitigation fair for the homeowners in our community who are in need.

Councilman Wright stated that it was the Fox Pizza rezoning case that came before Council that brought about the changes in the procedures for withdrawals and postponements.

Mayor Fretti suggested that Sementa Mathews, Public Information Officer, take pictures of Mayor and Council by the TitleTown signs on the next Council tour.

## ADJOURNMENT

Mayor Fretti entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the October 9, 2008 meeting of the Valdosta City Council at 8:25 p.m. to meet again in regular session on Thursday, October 23, 2008.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta