

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, NOVEMBER 6, 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, Alvin Payton, Willie Head, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Pastor Chris Michael, of First Christian Church, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE NOVEMBER, 2008 EMPLOYEE OF THE MONTH AWARD

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

A **MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the November, 2008 Employee of the Month Award.

Mayor Fretti presented the November, 2008 Employee of the Month Award to Earl Durrance and Christopher Crews, Police Department.

Earl Durrance began his employment with the City of Valdosta Police Department in March, 1988 as a Patrolman. He was promoted to Sergeant in October, 1999 which is the position he currently holds. Christopher Crews joined the Valdosta Police Department in November, 2000 and was assigned to the Bureau of Investigative Services as a Detective in February, 2006 which is the position he currently holds. Sergeant Durrance is in charge of the Traffic Unit whose Officers respond to vehicle accidents, issue tickets, and enforce all traffic laws. Detective Crews works property crimes where he investigates crimes such as burglary, arson, forgery, identify theft, and credit card fraud. Although both men handle different areas in law enforcement, fate would bring them together to face a dangerous situation. On September 23, 2008, an armed robbery occurred at a Chevron Station on North Patterson Street. Sergeant Durrance responded just as the suspect sped away and gave chase in his vehicle to a location on East Mary Street. Detective Crews had also responded and as the Officers converged on Mary Street, the suspect jumped from the getaway car and fled on foot. The foot chase proceeded into the Ora Lee West Housing area where Detective Crews and Sergeant Durrance apprehended the male suspect. During the process, a female suspect was also arrested and the subsequent investigation solved three armed robberies and two burglaries. Thanks to the actions of Detective Crews and Sergeant Durrance, the citizens of Valdosta can rest easy knowing a band of violent criminals are behind bars. It is not often in the career of Law Enforcement Officers that they are brought together at the right time to successfully deal with a situation such as this, and they are to be commended for their work. For these reasons and many others, the Employee Relations Committee nominated Earl Durrance and Christopher Crews as Employees of the Month.

APPROVAL OF MINUTES

The minutes of the October 23, 2008 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

There were no citizens to be heard.

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/Council postponed the request at the October 9, 2008 regular meeting until the November 6, 2008 regular meeting. The applicant has requested one additional month postponement until the December 11, 2008 regular meeting.

Anne-Marie Wolff, Planning and Zoning Administrator stated that the applicant has requested one additional month postponement until the December 11, 2008 City Council Meeting to allow him additional time to review the uses that are permitted in Community-Commercial (C-C) zoning rather than the Highway-Commercial (C-H). Staff was agreeable to that but will inform the applicant that this needs to be his final opportunity for postponement.

A **MOTION** by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (7-0) 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 for one month until the December 11, 2008 City Council Meeting.

AN ORDINANCE TO EXTEND THE CITY LIMITS DENIED

Consideration of an ordinance to annex 9.92 acres which includes rezoning 2.5 acres from Single-Family Residential (R-10) County to Highway-Commercial (C-H) City and for a Special Exception to establish a food preparation facility on a portion of the property as requested by Victor Norwood (File No. VA-2008-34). The property is located on the northeast corner of the intersection of North Forrest Street and Inner Perimeter Road. The Planning Commission reviewed this at their regular October meeting and recommended approval (5-2 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant had originally requested to annex of 9.92 acres to include rezoning of 2.5 acres from Single-Family Residential (R-10) County to Highway-Commercial (C-H) City and also requested a Special Exception to locate a food preparation facility on a portion of the property; however, the case has taken several turns since the application was submitted. Staff has reviewed the request further and gathered more details and believes that the applicant's requested use is basically a catering business rather than a food processing facility because he prepares food for Ole Times Country Buffet restaurants in Valdosta and north Florida. A catering use is permitted in Community-Commercial (C-C) zoning and the applicant is agreeable to this type of zoning for his business. Concerns were discussed at the Work Session regarding the existing residential properties to the north of this development and the precedent setting capability of this application. This is one of the first opportunities that Council has had to set a clear policy for this portion of Inner Perimeter Road because until this point all of the land was in the County. Staff met with the applicant to discuss different options and to explain the process. The applicant was agreeable to rezoning just his portion of the property which is 1.0 acre that he needs for the catering business to Community-Commercial and then rezone the rear portion, which is 1.5 acres, to Office-Professional (O-P). Staff felt that Office-Professional was a good transition use that would buffer the existing residences. The remaining acreage, 7.2 acres, would go to Single-Family Residential (R-10) which is what it is currently zoned in the County. This request will set a precedent for property located on both the eastern and western sides. This request and several others on Inner Perimeter Road has caused Staff to schedule a meeting with the Georgia Department of Transportation in December to discuss access management for all properties located on Inner Perimeter. They will also meet with the Planning Commission in November. Staff recommended that only the portion of the property necessary for the applicant to carry on his catering business be rezoned and the other portion of the property should remain R-10 or be rezoned to O-P.

Councilman Yost inquired as to whether the property owners wanted to bring all of the land in at one time. Anne-Marie Wolff stated that she spoke with the applicant and the property owners have submitted their subdivision plats which have been recorded through Lowndes County. The property has been divided up between

the heirs of the family and only the applicant wants to annex his property into the City; however, the family member with property to the right was willing to bring their portion into the City so that the applicant could present his annexation request. Councilman Head inquired as to whether the access from the property would be on Inner Perimeter Road for the catering business and for residences if the applicant decided to have R-10 zoning. Anne-Marie Wolff stated that they would have to enter from Inner Perimeter Road unless there was an agreement with the property owners to the east of the property. The feasibility of that property being developed for a residential subdivision is slim. Councilman Head inquired as to whether the applicant would want to come back later and rezone the property from R-10. Anne-Marie Wolff stated that he would definitely want to rezone. Councilman Payton asked about the precedent that could be set by Council's decision. Anne-Marie Wolff stated that there are several pieces of land that remain in the County and Inner Perimeter Road is not an ideal residential development so they are going to be requesting some type of rezoning. As zoning works, one case will typically set a precedent for future cases. Councilman Payton stated that if the applicant's property is rezoned then it would be surrounded by residential. Anne-Marie Wolff stated that Chadwyck Place is zoned PRD-6 but it could be considered as R-6, Tyndall Drive is zoned PRD-10 or R-10, and Valdosta High School is zoned R-15. Larry Hanson, City Manager, stated that Inner Perimeter Road is a State Route and median cuts would be placed every 660 feet and there will have to be some type of internal frontage road because the DOT will not allow multiple driveways or median cuts on this road. Councilman Carroll stated that the southwest corner of Forrest Street and Inner Perimeter Road is zoned residential and there were several attempts to rezone it to a commercial use which failed. The property located near the Post Office did obtain a use specific zoning though it did not develop to its original intent. The Inner Perimeter Road corridor from North Valdosta Road to Bemiss Road is a more highly concentrated Highway-Commercial use and from Bemiss Road to Forrest Street that is a shift to an influx of institutional uses. The area from Forrest Street to Jaycee Shack and then to Park Avenue has some light industrial type uses but it is more of a concentration of residential uses. Councilman Carroll inquired as to whether this area might receive a different designation in the future based on the direction that Council makes tonight. Anne-Marie Wolff stated that the decision tonight will impact the future development of that entire corridor. Councilman Carroll inquired as to whether the primary reason for the annexation request was to obtain City water and sewer services. Anne-Marie Wolff stated that was correct and that the applicant would not be able to develop without the City's water and sewer services. Councilman Wright stated that the owners were agreeable to two types of zoning and inquired as to what those types were. Anne-Marie Wolff stated that she spoke with the applicant and on his portion, he has a one acre tract and in order to conduct the catering business he would need C-C zoning and he was agreeable to that for his use only. He also owns the 1.5 acre tract behind that and he was agreeable to O-P or leaving it R-10. The other acreage can only be rezoned to R-10 since that is what it was advertised for. Councilman Wright inquired as to the difference between a food processing facility and a food catering business. Anne-Marie Wolff stated that at the beginning, the property was advertised as a food processing facility and that caused some concerns. A food processing facility would take the raw products and process it so that it could be used in a food preparation facility which would be a more intense use with more waste and by-products. The applicant is taking food that has already been processed and cooking it. Councilman Payton inquired about the request for a Special Exception also. Anne-Marie Wolff stated that was part of the original request when it was being considered a food processing facility; however, now that it is considered a catering business then all the applicant would need is C-C zoning. The C-H zoning and the Special Exception would now be off the table. Councilman Payton inquired as to what was before Council now. Anne-Marie Wolff stated that the annexation of the entire nine acres and the rezoning of one acre to C-C and the remainder could go to C-C which was part of the original request or stay at R-10 or any use that is less than C-C.

Victor Norwood, 6594 Good Hope Road, spoke in favor of the request. Mr. Norwood stated that his business is currently located at 1126 West Gordon Street and he would like to relocate his business to Inner Perimeter Road in order to expand his business. Mr. Norwood stated that he prepared food for ten Ole Times Country Buffet restaurants. Councilman Eunice inquired about the hours of operation. Mr. Norwood stated that they work from 7:00 a.m. until 4:00 p.m. five days a week (Monday through Friday). Mayor Fretti inquired about the delivery vehicles. Mr. Norwood stated that he had three refrigerated trucks. Councilman Carroll asked Mr. Norwood why he wanted to move his business to this location. Mr. Norwood stated that he had been in business for ten years and he has outgrown the facility he is currently using. The property was given to him through his family inheritance and this would be a good location for his business due to the easy access for his delivery vehicles. There would be no outside storage and everything would be contained inside the building.

Christina Payne, 4309 Mane Trail, spoke in opposition to the request. Ms. Payne stated that she received a letter stating that the applicant wanted to build a food processing plant basically in her backyard. The neighborhood was petitioned and she submitted 75 signatures at the Planning Commission meeting. In her opinion, no one respected the fact that they were there and disregarded anything they had to say. Ms. Payne was asked by Councilman Payton to speak to the applicant after the Planning Commission meeting which she did. Ms. Payne asked Mr. Norwood if he would be willing to leave the back 1.5 acres as Residential or Residential-Professional and he would not agree one way or the other. No one has contacted anyone from the neighborhood since that meeting to let them know that the applicant has now decided to have the one acre that he needs for his business as Commercial and the back portion of the property as Office-Professional. Also, they are now told that it is a catering business but it is really a food distribution kitchen. The more businesses he gets then the more he will have to grow and he will come back before Council to get the property rezoned from Office-Professional. The business will be in her backyard and a 20 foot buffer which is not enough. This is a major residential area and if this property is rezoned then it will set a precedent for others to rezone their property. The neighborhood does not want this property rezoned because it will also lower their property values. This business could be built further down on Inner Perimeter Road and not in their backyards. Ms. Payne asked Council's consideration in denying the request.

Judy Watts, 3965 Cutter Point, spoke in opposition to the request. Ms. Watts stated that she also attended the Planning Commission meeting and was disappointed to see protocol broken and they were not given a second opportunity to speak after Mr. Norwood spoke. Ms. Watts stated that she did not want this facility in their neighborhood. The garbage can is not contained at the current location and they do not want rats in their neighborhood. They were also told at the Planning Commission that Inner Perimeter Road would continue to grow commercially and in essence, they should learn to live with it. They were not treated as equals and their opinions were not valued. Ms. Watts asked Council's consideration in making a fair decision and to give accountability to the people who elected them to serve.

A MOTION was made by Councilman Payton to deny the request. Councilman Vickers seconded the motion. Mayor Fretti inquired as to whether the denial was for the annexation and rezoning. Councilman Payton stated yes but asked for clarification because he thought that what was before Council tonight was the annexation. Mayor Fretti stated that there was an annexation and a split rezoning request for the front acre to be C-C and the remaining acres to remain R-10. Anne-Marie Wolff, Planning and Zoning Administrator, stated that every annexation that comes before Council will be accompanied by a rezoning request so it is a joint application of annexation and rezoning. The rezoning could not be approved without approving the annexation. Councilman Payton asked if the motion was amended to read to deny the request of rezoning or to allow the annexation and the rezoning remains R-10 City. Anne-Marie Wolff stated that basically they would be approving the annexation and the rezoning from R-10 County to R-10 City. Mayor Fretti stated that the amended motion would be so dramatically different and asked Councilman Payton to rescind the first motion if he wanted to amend the motion. He could then make a new motion but there would need to be unanimous consent and no objection from Council on rescinding the motion. Councilman Wright stated that the recommendations by the Planning Staff and the Planning Commission were totally different from what they were talking about. Mayor Fretti stated that was correct. The 2.5 acres was reduced to 1.0 acre and the C-H was reduced to C-C. The one acre is in the front of the property with the property behind it zoned R-10 and that is the request before Council which is different from what was written. This request has not been reviewed by the Planning Commission but this is all down zoning. Councilman Payton asked for further clarification and stated that what was before Council is not what was on the paper. Mayor Fretti stated that Councilman Payton's motion was to deny the request but he could recommend an action on the motion. Councilman Payton asked for the motion to be repeated for clarification. Mayor Fretti stated that the motion was to deny the request. Mayor Fretti stated that he wanted to be clear in the discussion if Councilman Payton meant to deny the annexation as well as the request for rezoning. Councilman Payton stated that he wanted to deny what was before Council which was the annexation and rezoning of one acre. Councilman Vickers stated that Councilman Payton was not opposed to annexation and having the nine acres in R-10 or R-15. Councilman Payton stated that he wanted to allow the annexation of the 9.2 acres as R-10 City. Larry Hanson, City Manager, stated that Councilman Payton should make a motion to approve the annexation of the property with a change in zoning from R-10 County to R-10 City. Mayor Fretti asked Council if there was any objection to rescind the motion. Councilman Wright asked whether Council had to consider what was before them. Mayor Fretti stated that Council

has at their discretion to consider anything of a lower intensity once the application is made. Councilman Wright asked whether Council would have to vote on it or to make a motion to annex the nine acres and not even consider the request. Larry Hanson stated that they have considered the request and now a motion has been made to take a different action and as long as it is not upzoning or more intense zoning they would be allowed to do that. Councilman Carroll stated that whenever there is an annexation and it comes into the municipality and no zoning classification is stated it will go the lowest density. In this case the applicant has a parcel zoned R-10 County and has a request for water and sewer and to rezone it to C-C. Council has the authority to take action on that request to annex and rezone. Councilman Yost stated that he understood what the Councilman wanted to do but the gentleman who owns the property came to Council and wanted to rezone and annex. Councilman Yost suggested that they ask the gentleman whether he wants to annex the property because it is his property and he may wish to keep it in the County and do what he wants to with it as it is currently zoned. That is his decision whether he wants to bring this property into the City and it is Council's decision to deny the request but Council still needs to ask him if he wants to bring the property into the City before anything is done and the motion is rescinded. Mayor Fretti stated that if denial of the request is approved then the property cannot come up for rezoning for another year. Larry Hanson stated that was correct and Council could not follow up and make another motion following that denial to annex and rezone it to something different. Mayor Fretti asked if Councilman Payton wanted to rescind his motion and whether there was any opposition from Council if he chose to do so. Councilman Payton stated that he did want to rescind the motion and agreed with Councilman Yost's recommendation to give the property owner an opportunity to say yes or no on the annexation. Mayor Fretti asked if there was any objection to the rescinded motion. There was no objection from Council. Mayor Fretti stated that he was not happy about bringing the applicant back up again and was afraid that this would cause some extensive conversation between Council and the applicant and he did not want to discuss the land use of the zoning. Mayor Fretti asked Mr. Norwood if he was opposed or in favor of being annexed into the City but with the zoning remaining R-10. Anne-Marie Wolff asked Mr. Norwood if he would be agreeable to having the property annexed but the business would not go there. Mr. Norwood stated no.

A **MOTION** was made by Councilman Payton, to deny the request for annexation, rezoning, and a Special Exception as presented originally and as amended by the Planning and Zoning Administrator. Councilman Vickers seconded the request. Councilman Carroll stated that based on Council's vote they are dictating a direction in this area on how property is used. It is currently depicted as a Community Activity Center on the future development map and Council is making a policy decision and giving direction to Staff as to this particular area. Councilman Wright stated that if the applicant does not want to annex the property then what is Council considering. Mayor Fretti stated that an action has to be taken on the application and this was pointed out to Councilman Payton that there was an application. There was a presentation of an amended application and then there was some negotiation and it is to deny all of that. The motion was adopted (6-1) with Councilman Eunice voting in opposition.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2008-44, AN ORDINANCE TO ESTABLISH COMPENSATION FOR ANY TELEGRAPH OR TELEPHONE COMPANIES CONDUCTING BUSINESS OR WITH INFRASTRUCTURE IN THE CITY OF VALDOSTA

Consideration of an Ordinance to establish compensation for any telegraph or telephone companies conducting business or with infrastructure in the City of Valdosta. (Second Reading)

Larry Hanson, City Manager, stated that the State created a program so that private utilities can opt for a State franchise to conduct business all over Georgia. Last year, the State approved one for cable companies which will allow a cable company to exercise the right to operate within any government under the State franchise paying a 5% franchise fee which is what has always been the case in Valdosta. The City of Valdosta adopted it some time ago and this Ordinance is a similar agreement for telephone companies to opt for a State franchise agreement as opposed to the local franchise agreement. The City of Valdosta currently has a 3% fee that AT&T pays and under this proposal they would continue to pay the same fee. Larry Hanson recommended that Council approve the Ordinance.

A **MOTION** by Councilman Vickers, seconded by Councilman Wright, was unanimously adopted (7-0) to enact Ordinance No. 2008-44, to establish compensation for any telegraph or telephone companies conducting business or with infrastructure in the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2008-45, GREATER LOWNDES PLANNING COMMISSION JOINT ORDINANCE

Consideration of the Greater Lowndes Planning Commission Joint Ordinance and approval of an Agreement. Mayor/Council postponed the request at the October 9, 2008 regular meeting until the City Manager, the Planning and Zoning Department Staff, the Planning Commission Staff, the RDC Staff, and representatives from the other member organizations from the Planning Commission had an opportunity to meet and discuss various issues and reach an acceptable agreement.

Larry Hanson, City Manager, stated that he met with Ken Sherrill, Chairman of the Planning Commission, John Leonard, Executive Director of the South Georgia Regional Development Center (RDC), and others to negotiate changes based on comments and feedback received from Council. Their recommendation is to leave the membership as it is currently constituted and only add Remerton. There will also be quarterly budget updates submitted by the RDC. Larry Hanson recommended that Council approve the Joint Ordinance and the Agreement.

A **MOTION** was made by Councilman Vickers to approve the Greater Lowndes Planning Commission Joint Ordinance and Agreement. Councilman Head seconded the motion. Councilman Carroll noted there were issues in the original document as they refer to reimbursement of expenses and acknowledged the fact that the City Manager in cooperation with Ken Sherrill, Chairman of the Planning Commission, and John Leonard, Executive Director of the RDC, did a super job in improving the document. Councilman Yost stated that he wanted to be sure that this in no way affects or can be considered as making a change to House Bill 489 or the documents in House Bill 489. Larry Hanson stated that they did make a change to assure that would not happen because the previous Agreement could have required some renegotiation of House Bill 489. It stated that everyone would pay per capita dues for the planning services and the way it has been rewritten the City of Valdosta will pay the per capita dues for regional planning to the RDC for ourselves and the four smaller cities which we had already committed to do in House Bill 489. Lowndes County will pay for the unincorporated area. The RDC has committed in this Agreement to take that portion of funds that the City of Valdosta is paying for the smaller cities and use them for the planning services. This will be consistent with the House Bill 489 Agreement. Councilman Yost inquired as to whether anyone has expressed a legitimate problem with the current makeup of the Planning Commission during the four-year trial period where the Commission was reduced in size because the Commission itself felt it was too large. This proposal calls for adding Remerton so that changes the membership. Larry Hanson stated that the House Bill 489 planning sheet is actually silent about the makeup of the Commission. The motion was unanimously adopted (7-0) to enact Ordinance 2008-45, a Joint Ordinance for the Greater Lowndes Planning Commission, the complete text of which will be found in Ordinance Book XI, and to approve the Agreement.

AN ORDINANCE FOR RIGHT OF WAY PERMIT (FIRST READING)

Consideration of a Right of Way Permit Ordinance. (First Reading)

Larry Hanson, City Manager, stated that with the State franchises, the City will need to pass a separate Right of Way Ordinance so that we can regulate the use of our rights of way by these private utilities. Mayor Fretti stated that no action will need to be taken.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for Lakeland Avenue improvements from Forrest Street to Park Avenue.

Von Shipman, City Engineer, stated that improvements to Lakeland Avenue are needed to support the new W. G. Nunn Elementary School and to improve traffic conditions on Forrest Street. The City Council previously agreed to change this street into a one-way eastbound condition early this year. The City Council and

the Valdosta City Schools Board of Education approved the concept to equally split the cost of the required improvements which were estimated to be \$100,000. Bids were received on October 21, 2008 and the low bid was submitted by Reames and Son Construction in the amount of \$96,639.50. Included will be a sidewalk on the north side of street behind a row of majestic canopy trees and improved drainage with curb and gutter on the eastern section. Von Shipman recommended that Council approve the low bid in the amount of \$96,639.50 with a 10% contingency to handle unforeseen issues during construction.

A MOTION by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the low bid was submitted by Reames and Son Construction in the amount of \$96,639.50 plus a 10% contingency to handle any unforeseen circumstances for Lakeland Avenue improvements from Forrest Street to Park Avenue.

Consideration of a Fire Protection Agreement for Martin's Famous Pastry Shoppe.

Larry Hanson, City Manager, stated that the proposed Agreement between the parties provides fire protection for an annual fee for Martin's Famous Pastry Shoppe, Inc. and recommended that Council approve the request.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the Fire Protection Agreement for Martin's Famous Pastry Shoppe, Inc.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve Christmas awards for City employees.

Mark Barber, Deputy City Manager of Administration, stated that traditionally the City of Valdosta has awarded a bonus at the end of the calendar year to be paid prior to the holiday season for qualified employees. The bonus to each employee is based upon length of service to the City. Upon your approval, the bonus checks will be distributed at the annual Thanksgiving luncheon which will be held on November 13, 2008. In order for the employee to receive the full amount of the bonus, the estimated amounts include taxes to be paid on behalf of the employee by the City. To receive a bonus, an employee must meet the following criteria: (1) Career employees must have been employed as of July 1, 2008, and (2) Part-time employees must have completed nine of months of service. Listed below is a total estimated bonus amount for each Fund: Part time - employed less than 10 years - \$80, employed 10 years or more - \$100; Full time employees - employed less than 5 years - \$110, employed 5 years but less than 10 years - \$150, employed 10 years but less than 15 years - \$185, employed 15 years but less than 20 years - \$215, employed 20 years but less than 25 years - \$250, employed 25 years but less than 30 years - \$280, employed 30 years but less than 35 years - \$315, and employed 35 years but less than 40 years - \$345. The estimated cost per fund is as follows: General Fund - \$91,896, HUD - \$611, Parks & Recreation - \$12,010 Sanitation Fund - \$10,162, Water & Sewer Fund - \$26,464, Inspections Fund - \$4,096, Zoning - \$332, Stormwater \$1,946, Motor Pool Fund - \$3,945, and Mathis Auditorium - \$724 for a total of \$152,186. Mark Barber recommended that Council approve Christmas awards for City employees.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the Christmas awards for City employees.

Consideration of a request for additional work on the Lee Street water retention facility.

Von Shipman, City Engineer, stated that the City Council approved a contract in the amount of \$120,395 which included contingency to convert the Lee Street Storm Water Detention Facility into a Regional retention facility. The original plan called for the footprint to stay the same size with a maximum water depth of 3 feet. The amount of material to be removed was estimated at 10,000 cubic yards. It was assumed the quality of the material to be removed was very poor. During construction the City Engineer made the decision to increase the depth to 4.5 feet and expand the footprint to create additional storage. The additional depth was ordered due to the excellent condition of the material being removed and the fact that we will be able to use an agricultural pump and tractor to

lower the water level rather quickly in advance of an approaching storm system. The amount of material actually removed was 20,207 cubic yards. The volume of the pond when empty to the spillway elevation is 45,000 cubic yards or almost 10 million gallons. The previous volume of the detention pond was less than 16,000 cubic yards or about 3.5 million gallons. This is a tremendous amount of storage which will help both upstream and downstream drainage conditions during major rainfall events. The original contract will need to be altered by \$87,687.50 and the fencing and landscaping will be separate contracts. Von Shipman recommended that Council approve the request for additional work performed in the amount of \$87,687.50.

A MOTION by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the request as recommended by the City Engineer for additional work performed in the amount of \$87,687.50 for the Lee Street water retention facility.

Consideration of a request to approve the Section 125 Cafeteria Plan for supplemental employee insurance.

Charlie Felts, Human Resources Director, stated that the City of Valdosta offers supplemental insurance products which are paid for by employees. The products are offered under IRS Section 125 allowing employees to purchase these products with pre-tax dollars thereby reducing the cost. These products supplement the City’s medical, life, and disability plans and are very popular with employees. Employees are currently purchasing coverage in eight areas which are Short Term Disability, Cancer, Accidental Injury, Universal Life, Term Life, Critical Illness, Vision and Hospital Indemnity. The current provider is Allstate Insurance through the Taylor Company. The contract with Taylor Insurance expires on December 31, 2008. A Request for Proposal (RFP) was placed and closed on October 21, 2008. In addition to the public advertisement, proposals were directly mailed to 15 companies who had expressed interest in providing these products for the City. At the closing, the City received four proposals which were from Aflac (Sturgis), Colonial (Painter & Troutman), Allstate (Taylor) and Colonial (Hudson Rouse). Respondents were informed that proposals would be evaluated on the basis of premium charges, experience administering 125 plans, overall service, ability to provide enrollment services and financial stability. A minimum of an “A” (Excellent) rating by the A.M. Best Company was requested. A committee of 4 employees (2 Human Resources and 2 Finance) independently evaluated and scored the proposals. Allstate (Taylor Insurance) received the highest overall score at 294 points followed by Aflac 230, Colonial (Painter & Troutman) 200 and Colonial (Hudson Rouse) 188. Charlie Felts recommended that Council approve the award of Section 125 Cafeteria Plan for supplemental employee insurance products to Taylor Insurance Services (Allstate) for a contract period of 3 years with the option of two one year renewals.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the award of Section 125 Cafeteria Plan for supplemental employee insurance products to Taylor Insurance Services (Allstate) for a contract period of three years with the option of two one year renewals.

BOARDS, COMMISSIONS, AND AUTHORITIES

Consideration of appointments to the Central Valdosta Development Authority/Downtown Development Authority.

Larry Hanson, City Manager, stated that the Central Valdosta Development Authority/Downtown Development Authority has the following three members whose terms will expire on December 31, 2008: (1) Julie Pickle (2) Dr. Amanda Brown, and (3) Joanne Griner. The applicants for consideration are: (1) James Blake - General Contractor and Downtown Property Owner, (2) Dr. Amanda Brown – Retired, QUOLA Volunteer, (3) Howard Dasher, III – Attorney and Downtown Property Owner, and (4) Joanne Griner – Financial Secretary with First Baptist Church. Dr. Amanda Brown and Joanne Griner have requested consideration for reappointment.

Mayor Fretti asked for nominations for Position #1. Councilman Eunice placed in consideration the name of Howard Dasher, III. Councilman Head placed in consideration the name of Dr. Amanda Brown. There being no other nominations, Mayor Fretti closed nominations for Position #1. Howard Dasher, III received three votes. Dr. Amanda Brown received four votes. Dr. Amanda Brown was appointed to serve a term of two years on the Central Valdosta Development Authority/Downtown Development Authority.

Mayor Fretti asked for nominations for Position #2. Councilman Eunice placed in consideration the name of Howard Dasher, III. Councilman Payton placed in consideration the name of James Blake. There being no other nominations, Mayor Fretti closed nominations for Position #2. Howard Dasher, III received four votes. James Blake received three votes. Howard Dasher, III was appointed to serve a term of two years on the Central Valdosta Development Authority/Downtown Development Authority.

Mayor Fretti asked for nominations for Position #3. Councilman Payton placed in consideration the name of Joanne Griner. There being no other nominations, Joanne Griner was appointed by acclamation to serve a term of two years on the Central Valdosta Development Authority/Downtown Development Authority.

Consideration of appointments to the Keep Lowndes-Valdosta Beautiful Board.

Larry Hanson, City Manager, stated that the Keep Lowndes-Valdosta Beautiful Board has the following two members whose terms expired on June 30, 2008: (1) Nancy Pearson, and (2) Open position due to resignation of Bart Greer. The applicants for consideration are: (1) Julie Killion – Director of Advertising with the Valdosta Daily Times, and (2) Jeff Smith – Branch Manager with Regions Bank.

Mayor Fretti asked for nominations for Position #1. Councilman Carroll placed in consideration the name of Julie Killion. There being no other nominations, Julie Killion was appointed by acclamation to serve a term of three years on the Keep Lowndes-Valdosta Beautiful Board.

Mayor Fretti asked for nominations for Position #2. Councilman Payton placed in consideration the name of Jeff Smith. There being no other nominations, Jeff Smith was appointed by acclamation to serve a term of three years on the Keep Lowndes-Valdosta Beautiful Board.

Consideration of appointments to the Valdosta Housing Board of Adjustments and Appeals.

Larry Hanson, City Manager, stated that the Valdosta Housing Board of Adjustments & Appeals has the following three members whose terms expired on August 7, 2008: (1) John E. Johnson, (2) Robert Jenkins, and (3) Tia Battles. The applicants for consideration are: (1) John E. Johnson, Sr. – Building Contractor, (2) Rachael Bradley - Executive Director, Southside Recreation Center, (3) Mary Lou Griner – Property Manager/Accounting, Lincoln Realty, (4) Gregory Johnson – Micro Systems Support Specialist, Dept. of Human Resources, (5) Deloris Brown – Retired, (6) Edna Jones – Office Manager, Tri-County Bail Bonding, Inc., and (7) Rouse Vallotton – Property Manager, Vallorbe, Inc. Mr. John E. Johnson has requested consideration for reappointment. Also, Mae Gardner, Community Protection Technician, has submitted a memorandum of recommendation in order of preference: (1) John E. Johnson, (2) Mary Lou Griner, (3) Gregory Johnson, and (4) Deloris Brown.

Mayor Fretti asked for nominations for Position #1. Councilman Head placed in consideration the name of Rachael Bradley. There being no other nominations, Rachael Bradley was appointed by acclamation to serve a term of three years on the Valdosta Housing Board of Adjustments and Appeals.

Mayor Fretti asked for nominations for Position #2. Councilman Vickers placed in consideration the name of Deloris Brown. There being no other nominations, Deloris Brown was appointed by acclamation to serve a term of three years on the Valdosta Housing Board of Adjustments and Appeals.

Mayor Fretti asked for nominations for Position #3. Councilman Eunice placed in consideration the name of Rouse Vallotton. There being no other nominations, Rouse Vallotton was appointed by acclamation to serve a term of three years on the Valdosta Housing Board of Adjustments and Appeals.

Consideration of appointments to the Valdosta Tree Commission.

Larry Hanson, City Manager, stated that the Valdosta Tree Commission has the following three members whose terms expired on September 6, 2008: (1) Angela Wall, (2) Rusty Wetherington, and (3) Duane Cunningham. The applicants for consideration are: (1) Angela Wall – Environmental Planner, South Georgia Regional

Development Center, and (2) Rusty Wetherington – Staff Assistant, U. S. Representative Sanford Bishop. Duane Cunningham, Cunningham Tree Service, had submitted an application but it was determined that he resides in the County; however, the by-laws for all of the Boards, Commissions, and Authorities are written so that they will serve until a replacement is appointed and Mr. Cunningham has agreed to continue serving.

Mayor Fretti asked for nominations for Position #1. Councilman Head placed in consideration the name of Angela Wall. There being no other nominations, Angela Wall was appointed by acclamation to serve a term of four years on the Valdosta Tree Commission.

Mayor Fretti asked for nominations for Position #2. Councilman Payton placed in consideration the name of Rusty Wetherington. There being no other nominations, Rusty Wetherington was appointed by acclamation to serve a term of four years on the Valdosta Tree Commission.

Consideration of appointments to the Valdosta-Lowndes County Conference Center & Tourism Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Conference Center & Tourism Authority has one member, Dr. John Gaston, whose term will expire on December 31, 2008. Also, the term for Councilman Tim Carroll, Council appointment, will expire on December 31, 2008. The applicants for consideration are: (1) Dr. John Gaston – Dean of the College of Arts, Valdosta State University, (2) Sue Cox – Food & Beverage Director, Covington's Dining & Catering, (3) Haskell Godfrey, Jr. – Real Estate & Hotel Operations, GuestHouse Inn of Valdosta, and (4) John Holt – Attorney, John D. Holt, P.C.

Mayor Fretti asked for nominations for the position held by Dr. John Gaston. Councilman Head placed in consideration the name of Dr. John Gaston. There being no other nominations, Dr. John Gaston was reappointed by acclamation to serve a term of three years on the Valdosta-Lowndes County Conference Center & Tourism Authority.

Mayor Fretti asked for nominations for the position held by Councilman Tim Carroll. Councilman Head placed in consideration the name of Councilman Tim Carroll. There being no other nominations, Councilman Tim Carroll was reappointed by acclamation to serve a term of three years on the Valdosta-Lowndes County Conference Center & Tourism Authority.

Mayor Fretti stated that the Valdosta Housing Authority has three seats that are open on the Valdosta Housing Authority which are sole appointments by the Mayor. The first seat was occupied by Mark Courson who lives in the unincorporated area of the county and does not live in the City. His term expired December 31, 2007 and Mayor Fretti appointed Barry Broome to the Housing Authority to serve a five-year term. The second seat is occupied by James Franklin and the only applicants that can apply for this seat must be a resident of the Housing Authority. Mr. Franklin has served one term honorably and he has agreed to remain serving. Also, Robert Jenkins is the Chairman of the Housing Authority and his term expires December 31, 2008. Mr. Jenkins has agreed to remain serving as well.

Mayor Fretti stated that the Valdosta Land Bank Authority is made up of two appointees from the County and two from the City and these are sole appointments by the Mayor. The first seat is occupied by Burke Sherwood, Attorney, and he will continue to serve. The second seat is occupied by Councilman James Wright and he has agreed to continue serving as well. Councilman Vickers inquired as to why these seats would continue to serve and not be appointed. Mayor Fretti stated that some of the terms are four-year or five-year terms and there may be some who do not complete the term and by just continuing to serve they serve at Council's pleasure or the Mayor's pleasure.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that Make a Difference Day that was held on October 25, 2008 and 41 tires, 25,000 pounds of junk type trash, 6 appliances, and 840 pounds of yard waste were removed.

John Whitehead, III, Deputy City Manager of Operations, has been asked to present at the National League of Cities. His session is entitled Technology and Practice – Innovative Solutions to Diverse Problems and he will be discussing the City's mosquito program. Also, Mara Register, Assistant to the City Manager, has been named President of Region IV of the National Community Development Association.

The City's Thanksgiving Luncheon will be held on Thursday, November 13, 2008 at the James H. Rainwater Conference and Mayor and Council are invited to attend.

This month's edition of the Georgia Trend magazine has a story about the success of Valdosta's community improvement districts and Mara Register was quoted in the article.

The Georgia Dream Valdosta Home Ownership was one of the goals of Council and the City has worked with the Georgia Department of Community Affairs on this program which offers employees up to \$12, 500 for first time home owners.

COUNCIL COMMENTS

Councilman Head inquired about the status of the Martin Luther King, Jr. Corridor project. Von Shipman, City Engineer, stated that Mr. John Jackson, Architect, delivered the 60% plans last week and information was returned to him on the plan sheets today. Mr. Jackson will now move them through the civil engineering phase. Larry Hanson stated that these are the final construction drawings. Councilman Yost stated that he thought he had been terminated. Larry Hanson stated that after reviewing the options for severing the contract and potential legal action, and because Mr. Jackson has delivered the plans last week, Staff felt that Mr. Jackson would finish the project and it would transition from the architectural phase to the engineering phase which most of that work to be done locally by ASA Engineering. Councilman Head stated that the City of Valdosta could take the legal action for failure to perform. This project has been in the works for four years and he would like to see some closure to the project. Von Shipman stated that Mr. Jackson would make the corrections to the plans and then turn over to the civil engineering as quickly as possible.

Councilman Head stated that once bids are awarded there is nothing on the City's web site that states who received the award and the amount and he suggested that we start posting those bids. Von Shipman stated that when they take the bids, most of the companies have a representative there and the bids are opened, read, and written down. The numbers are checked before they are validated and those are given to the contractors if they want the bid tabulation sheet. Councilman Head stated that he would like to have this posted for the general public.

Councilman Head stated that he had someone approach him and asked him if he had been served and he did not know what the person was talking about. The person mentioned the Jingle Bell Festival and he asked that if the City has been served he would like to receive the details. Larry Hanson, City Manager, stated that the City has not been served.

Councilman Head stated that the applicant did not have a clue as to what was going on with the annexation and rezoning public hearing tonight and even Council was confused. Council should at least help the applicant understand and not give him the impression that Council was beating up on him just because he did not understand the process.

Councilman Wright inquired about the status of Scott Park. Von Shipman, City Engineer, stated that he would find out and let him know.

Councilman Payton stated that Anne-Marie Wolff, Planning and Zoning Administrator, had made some statements that he heard differently from the other Council members and it was his understanding that they were taking action on the item that was on the agenda. If the applicant is asking for something specific then Council is addressing what the applicant is asking and not what the Staff is recommending. Mayor Fretti stated that Staff did talk with the applicant about that. Larry Hanson, City Manager, stated that they did but ultimately what Council is acting on is the motion and the second. There is a case before you where there has been a recommendation made

and the applicant has made a request and Council can deny the request or make a different motion. Councilman Payton inquired as to whether Council would be addressing what the Planning Commission addressed. Larry Hanson stated that the applicant has a case and presents it to the Planning Commission. The applicant may see the opposition to it and then work with the Staff to modify that to make it more appealing which is perfectly legal. That is what has been going on with the case and Anne-Marie Wolff has been working with the applicant. To the public it may look confusing but that is the nature of the process.

Councilman Wright stated that by denying the request the applicant cannot come before Council for a year and if you go back to the John E. Johnson request the month before that is the same thing. Mr. Johnson was not clear about what he wanted to do so it was postponed two times to allow him time to work it out. Larry Hanson stated that Council could have made a motion to postpone it. Councilman Wright stated that was correct but they are not being consistent in what they do. Larry Hanson stated that the applicant could have also asked for a postponement. Councilman Head inquired as to what the Staff's recommendation was on the request. Larry Hanson stated that Staff's original recommendation was to approve the original request and the Planning Commission approved that recommendation. Anne-Marie Wolff was then trying to work with the applicant to modify the proposal to be more acceptable to the neighborhood. That is why the applicant was willing to rezone the one acre to C-C and the remainder to R-10 or O-P, whichever Council preferred; however, the neighborhood was against the request. Councilman Yost stated that when people bring items before Council they also have the right to place certain stipulations that may not have been discussed by the Planning Commission or Staff. Councilman Yost inquired as to whether the applicant could have put the facility on the piece of property that had not been affected in the motion except to annex in. Larry Hanson stated that he could have reapplied for rezoning of another portion of that tract.

ADJOURNMENT

Mayor Fretti entertained a motion to adjourn the Council meeting and enter into an Executive Session for the purpose of discussing real estate.

A MOTION by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the November 6, 2008 meeting of the Valdosta City Council at 7:40 p.m. and enter into Executive Session.

Mayor Fretti left the Executive Session at 7:43 p.m. so Mayor Pro Tem Head reconvened the regular City Council meeting at 8:16 p.m. and stated there was no action necessary in relation to the discussion real estate in Executive Session.

Mayor Pro Tem Head entertained a motion for adjournment.

A MOTION by Councilman Eunice, seconded by Councilman Carroll was unanimously adopted (7-0) to adjourn the November 6, 2008 meeting of the Valdosta City Council at 8:16 p.m. to meet again in regular session on Thursday, December 11, 2008.

City Clerk, City of Valdosta

Mayor, City of Valdosta