

**MINUTES
RESCHEDULED REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, DECEMBER 13, 2012
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

Mayor John Gayle called the Rescheduled Regular Meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Deidra White, Robert Yost, and James Wright. The invocation was given by Pastor Ron Hatchett, First Baptist Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE 2012 GREATER VALDOSTA COMMUNITY CHRISTMAS PARADE AWARDS

Mayor Gayle stated that the 2012 Greater Valdosta Community Christmas Parade was held on Saturday, December 1, 2012 and was sponsored by Ossipe Temple #65, the Valdosta Daily Times, and the City of Valdosta. Mayor Gayle and members of Ossipe Temple #65 presented the following Christmas Parade Awards: Third Place – American Cancer Society Relay for Life, Second Place – Filipino American Association of South Georgia, and First Place – Smith Drug Company. The proceeds raised by Ossipe Temple #65 through parade entry fees were donated to various charities.

PRESENTATION OF THE DECEMBER, 2012 EMPLOYEE OF THE MONTH AWARD

Consideration of the December, 2012 Employee of the Month Award (Willie Graham, Utilities Department).

Willie Graham began his employment with the City of Valdosta Utilities Department in April, 1993 as a Utility Service Worker which is the position he currently holds. Working in the Utilities Department, Willie installs, maintains, and repairs water and sewer mains, valves, meters, fire hydrants, and more. In October of this year, Willie was faced with a difficult water main repair. The leak was located underneath a large pine tree which made it difficult to get to and make the necessary repairs. Willie was able to tunnel underneath the tree, locate the water main, and make the needed repairs. In doing so, he prevented what could have been a substantial water loss in the City's water distribution system. In the same month, Willie received the task of locating all water valves in a City neighborhood in order to replace a fire hydrant that was no longer operational. With limited information, he worked tirelessly to locate the correct valves and replace the fire hydrant. Willie takes extra effort to do every job right the first time because he knows how important the water and sewer infrastructure is to the welfare and safety of our citizens. During his years with the City, Willie has proven on numerous occasions that he is truly dedicated to his work and takes great pride in accomplishing every task assigned to him. His vast knowledge of maintenance and repairs to the utilities system combined with his tremendous work ethic makes him the "go to guy" on all major and emergency repair situations. For these reasons and many others, the Employee Relations Committee nominated Willie Graham as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the November 15, 2012 Rescheduled Regular Meeting were approved by unanimous consent (7-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2012-26, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 0.68 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by John McCranie (File No. VA-2012-15). The property is located at 1404 Gornto

Road. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that John McCranie is requesting to rezone 0.68 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C). The property is located at 1404 Gornto Road along the south side of the road approximately 300 feet east of the Norfolk-Southern railroad crossing and adjacent to Sugar Creek. The property contains an existing commercial building (7,500 square feet) which has previously been used for both commercial and professional office uses. The applicant is proposing to lease the property as a retail floor covering business. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C zoning for properties located along Collector or Arterial roadways (such as Gornto Road). The property is part of a former County island that was annexed in 2006. The property was previously zoned "County C-N" and was given "City C-N" zoning upon annexation; however, at that time, the County's C-N zoning was more comparable to the City's C-C zoning and in hindsight, it probably should have been given the City's C-C zoning instead. Since the island was annexed several years ago, the other commercial properties to the west have been rezoned to C-C to match the zoning pattern on the other side of Gornto Road. As a matter of consistency, this property should also be zoned C-C. The property is surrounded by commercial zoning on three sides with only the east side having residential zoning. The heavily wooded Sugar Creek drainageway will continue to serve as a significant buffer between these commercial properties and the residential neighborhood to the east. The applicant has already leased the property to a retail floor covering business, not knowing the C-N zoning was insufficient for this use. The City is withholding approval of the tenant's business license, pending the outcome of this rezoning request. The existing building is ideally suited for this kind of commercial business and has 1,000 square feet of showroom area in the front and 6,500 square feet of storage space in the rear. It should be noted that the property is located entirely within the 100-year floodplain of Sugar Creek. The property already contains an existing commercial building which is elevated a few feet above grade, but it flooded during the 2009 major flood event. The site is already fully developed and the applicant is not proposing to make any changes to the building nor the site. Therefore, there are no floodplain permitting issues associated with this proposal. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their November 26, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Yost, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Ordinance No. 2012-26, an Ordinance to rezone 0.68 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by John McCranie, the complete text of which will be found in Ordinance Book XII.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS WITHDRAWN

Consideration of an Ordinance to rezone 1.80 acres from Single-Family Residential (R-15) to Single-Family Residential (R-10) as requested by Tombrooks, LLC. (File No. VA-2012-16). The property is located at 316 Eager Road. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended denial (8-0 vote).

Mayor Gayle stated that the applicant has withdrawn the request.

ORDINANCE NO. 2012-27, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 15.04 acres from Single-Family Residential (R-6) to Highway-Commercial (C-H) as requested by El Toreo, Inc. (File No. VA-2012-17). The property is located at 225 Norman

Dr. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that El Toreo, Inc. is requesting to rezone 15.04 acres from Single-Family Residential (R-6) to Highway-Commercial (C-H). The property is located at 225 Norman Drive along the east side of the road and approximately 600 feet north of West Hill Avenue (U.S. 84) and diagonally across from the entrance to the James H. Rainwater Conference Center. The property is currently undeveloped and the applicant is proposing to market the property for commercial development. The property is located within a Regional Activity Center (RAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-H zoning. The existing R-6 zoning is non-compliant with this Character Area. The eastern half of the property has been zoned R-6 since at least the early 1980's. The western half of the property was formerly a County island that was annexed in 2006 (Island #81). At that time, it was zoned Cluster-Residential (C-R) and was given the City's comparable R-6 zoning upon annexation. This property has never been developed and the applicant is now wanting to market the property for commercial development with the same C-H zoning as currently exists on all the surrounding properties. Over the past several years, despite the existing C-H zoning in the area, there have been numerous commercial developments along this portion of Norman Drive which have been more reflective of lower intensity uses which could be found in C-C zoning. Even though C-H zoning allows uses that might be considered a little too intensive for this portion of Norman Drive, it would be very hard to argue against the logic of this property also being zoned C-H like all of the commercial properties in the area. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their November 26, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote). There was some discussion at the Work Session about the intensity of some uses allowed in C-H zoning. Matt Martin stated that he sent the Mayor and Council a list of uses that were more intensive in C-H zoning that may be excluded from this as a condition of zoning. The applicant is in agreement with those; however, there is one change to the list and that is to add gasoline stations which is (NAICS Code 447). The applicant was also agreeable to that addition to the list. There is also some possible language for conditions if Mayor and Council see fit to put that there. The applicant's representative is in the audience this evening and will probably want to discuss these things as well.

Bill Nijem, 209 East Alden Avenue, spoke in favor of the request. Mr. Nijem stated that he represented the applicant, El Toreo, and they are requesting that the property be rezoned to C-H. They recognize that there are some concerns about the intensity of the uses on the property and the applicant is agreeable to certain exclusions and conditions for use of the property. This property has been owned by the applicant for a number of years and they have marketed the property for sale for approximately five years but have had no interest until now. There is a local business, Langdale Honda Dealership, which has five acres under contract for a new, \$4 to \$5 million Honda Dealership. The remaining ten acres will remain undeveloped and for future sale. Mr. Nijem stated that the property is surrounded by C-H zoning and despite the fact that none of the conditions are placed on the properties around it, the applicant is agreeable to the conditions. Councilman Carroll stated that the property owner, Mr. Nijem, and those involved with the Langdale Honda Dealership have worked hard and in many respects we are asking them to do something that has not yet been asked of the surrounding property owners; however, this list does give us a template for a future Overlay District so that all properties on the corridor are treated the same way.

No one spoke in opposition to the request.

A MOTION was made by Councilman Carroll to approve the request as presented with an added note that the list of uses as presented by Staff and agreed to by the applicant will not be allowed and be a part of the motion as well. The motion was seconded by Councilman Payton. Councilman Vickers asked for clarification as to whether the uses would or would not be allowed. Councilman Carroll stated he had indicated the uses that would not be allowed. The motion was unanimously adopted (7-0) to enact Ordinance No. 2012-27, an Ordinance to rezone 15.04 acres from Single-Family Residential (R-6) to Highway-Commercial (C-H) as requested by El Toreo, Inc. with conditions noted above, the complete text of which will be found in Ordinance Book XII.

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 230-Sign Regulations and Chapter 332-Public Improvements as requested by the City of Valdosta (File No. VA-2012-18). The Planning Commission reviewed this request at their November Regular Meeting and recommended approval (5-3 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to amend Chapter 230 - Sign Regulations and Chapter 332 - Public Improvements of the City's Land Development Regulations (LDR). The main purpose of the Text Amendments is to modify certain provisions of the City's sign regulations, provisions concerning the installation of sidewalks, maintenance of public rights-of-way, and driveway and street design standards. The Text Amendments for the sign regulations tweaks a lot of the language, relaxes a few of the standards, and there is nothing that tightens the regulations. In Chapter 332, Maintenance of Right-of-Ways and Sidewalks, they are carrying forward some of the language that has been on the Zoning Ordinance for many years regarding the placement of sidewalks. Staff finalized a proposed draft set of Amendments, found it consistent with the Comprehensive Plan, and recommended approval. The Planning Commission reviewed this at their November 26, 2012 meeting, found the Amendments consistent with the Comprehensive Plan, and recommended approval (5-3 vote). Matt Martin stated that there is a representative at the Council Meeting from Fairway Advertising and he had submitted some information to the Mayor and Council for review. The Fairway Advertising representative also attended the Planning Commission Meeting and helped with the discussion and came up with some of the ideas for some of the changes that the Planning Commission is recommending.

Terry Harkins, Fairway Outdoor Advertising, spoke in favor of the request. Mr. Harkins stated that Fairway Outdoor Advertising and Lamar Advertising are the two major players with approximately 200 locations. They pay land rent of over \$400,000 and they are a community supporter. They do ads for the Turner Center for the Arts, the Valdosta Police Department, Valdosta Rotary, the Chamber of Commerce, local schools, United Way, American Red Cross, and many others. They are also involved in the Amber Alert nationwide. In the last year, they spent approximately \$400,000 in Lowndes County redoing their signs. They spent \$1.5 million in the region and they are rebuilding their signs so that they are well maintained and more aesthetically pleasing. They have 35 plus employees who are directly involved in the industry and these people live here in Valdosta. They shop here, buy cars here, buy homes here, buy groceries here, and they are a major part of the community. They are a major consumer of electricity, they buy lighting materials, bulbs, conduit, wire, sheet metal, concrete, and they are part of the community. In closing, Mr. Harkins stated that they are not here to grow their business and the Text Amendment would just allow them to survive. He provided the Mayor and Council with some maps that show the 1,250 radial spacing that is required by the Ordinance to relocate a sign. There are a few gaps on Baytree Road but that area is not even zoned for signs. In speaking with Matt Martin, the variance process could take care of the spacing issue. The only other addition that he thought would be a benefit for the City and for Fairway Outdoor Advertising would be the proposed additional edits. The first sentence in line number 8 would be struck provided a replacement sign meets all the provisions of the section. Mr. Harkins stated that he understood that the City wants to make it based on a variance approval. The second sentence states the following: "Permits for replacement signs shall only be issued to the owner of the sign structure prior to September 7, 2007 which is being replaced." The reason for that is if Fairway, Lamar, Roger Budd, or an independent were to take down a sign and they chose not to rebuild the sign, without the specific language in the Ordinance someone else could come right behind and say they would like to build the sign that did not get replaced. George Talley, City Attorney, stated that would not happen if the owner is not going to lease it to them. Mr. Harkins stated that was true but if you take a sign down you can build it somewhere else as long as you get a variance. Larry Hanson, City Manager, stated that Mr. Harkins was saying that if they cannot replace the sign because it does not meet the criteria then no one could either. Mr. Harkins stated unless they got a variance. George Talley stated that was correct. Larry Hanson stated that if they could then Mr. Harkins could. Mr. Harkins stated that he did agree with that but he was saying if Fairway chose not to replace the sign then another company could come and replace it since Fairway was not replacing the sign. Larry Hanson stated that Mr. Harkins was saying that if they chose not to replace a sign then they do not want the private property owner to have the right to let anybody else put a sign up. Mr. Harkins stated that it is the right or asset of each individual company. George Talley stated that his asset is sitting on someone else's property. Mr. Harkins stated that was true but they were the ones who permitted it and not the land owner. Mayor Gayle stated that if they decide not to replace the sign then the permit goes by the wayside. Mr. Harkins stated that he agreed and that is why he wanted this language in the Ordinance. Larry Hanson stated that it seems like overly restrictive

trade because Mr. Harkins was saying that they were going to make a decision not to have a sign there and they wanted to be sure that no one else can. Mr. Harkins stated that it was not restrictive trade but taking care of the assets they currently own. George Talley stated that would be to the detriment of the property owner. Larry Hanson stated that the way it is written then as a private company, they have the right to make a decision that they determine is in the best interest of their company but the private property owner also has the right to make a decision that is in the best interest of the private property. Mr. Harkins stated that the property owner does not own the permit. Larry Hanson stated that Mr. Harkins has chosen not to renew the permit and move on. Mr. Harkins stated that they would most likely chose to move the sign to another spot and come before the Board to get a variance to do that. Mayor Gayle inquired as to what would happen if Lamar chose not to renew a sign and Fairway wanted to go to that property. Mr. Harkins stated that would not be a fair option. They just did a Cap and Replace Ordinance in Wilmington, North Carolina approximately a year ago and they went through this same type of thing; however, they did not have a variance process. It was a relocate by right and they put restrictions on spacing, but each permit was tied back to the company that owned the permit. George Talley inquired as to whether Mr. Harkins discussed this with the Planning Commission. Mr. Harkins stated that they discussed it briefly. George Talley inquired as to whether they approved it. Mr. Harkins stated that it never really got to that point. Larry Hanson inquired as to whether they included it in their recommendation. Mr. Harkins stated they did not.

Councilman Carroll stated that if they wanted to put up a variable message board then they would currently have to take away four or six facings. Councilman Carroll inquired as to whether the variable board message would have to go into the same location or could it go to a different location if there was a situation where they had a board that they were going to do away with so that they would meet the criteria for a variable board. If so, then this might make a big difference. Larry Hanson stated that the variable message board would have to meet those requirements for it and those are different. The spacing is much greater. The concern is that if anyone removes a board voluntarily and then you have a private property owner whose property meets the requirements of zoning and setbacks, then you are going to tell that private property owner that he/she does not have the right to do something that they a right to do, which is to put a billboard on the property. We do have an over-arching cap on billboards. George Talley stated that this is a civil matter of competition between two competing sign companies and the property owner should not be involved in it. Mr. Harkins inquired as to what would happen to the property owner's right on the four boards they are taking down and whether you are taking the right away from the property owner on the four boards being taken down. Larry Hanson stated that, in reality and from experience, most of the boards a company is willing to take down in order to get a variable message board are boards that they cannot replace because they do not meet the present day spacing requirements or setback requirements. Councilman Vickers stated that this needs to go back to the Planning Commission because they will do a thorough review. This defeats the purpose of the Work Session because now they are presented with something brand new and they are debating it. Councilman Wright inquired as to what Matt Martin's opinion was on this matter. Matt Martin stated that the Planning Commission spent approximately one hour discussing this item and the topic of permitting and some of the things that Mr. Harkins has brought up. Some of the things that Mr. Harkins presented and recommended are factored in their recommendation and some things they chose not to put into the recommendation. This is one of them and what Council has before them is what is being recommended by the Planning Commission after much discussion. Councilwoman White inquired as to whether the additional edits from Fairway Advertising were not included in the Planning Commission's recommendation. Matt Martin stated that was correct. Mayor Gayle stated that Mr. Harkins was in favor of the Text Amendments but he wanted to have the additional language included. Mr. Harkins stated that their Attorney said to clean the language up. If they take a sign down on St. Augustine and they want to move it two or three lots down, as long as he goes to the Variance Board and gets approval to do that then he can move that sign down on the lot himself rather than rebuild it on the lot. For instance, if he wanted better spacing for his sign because there are too many signs in that section of St. Augustine, he could move the sign; however, that is an asset owned by Fairway and the permitted asset should go with the owner of that permitted asset. George Talley inquired as to whether they had any notice that this was coming before Council. Mr. Harkins stated that they had known about it for a couple of weeks. George Talley stated that their Attorney should have brought something up to Matt Martin. Mr. Harkins stated that he was bringing it up tonight. Mayor Gayle stated that the time limit of 15 minutes was up and we would now have to ask if there was anyone in opposition to the request. Councilman Carroll inquired as to what Staff's recommendation would be on proposed language for this request. Matt Martin stated that he had some concerns with the proposed language. Variances should not go to City Council but should go to the Zoning Board of Appeals. The proposal exempts free-standing billboards from

the general sign requirements that are not in this certain section and there are a lot of things that we have in place that apply to all signs and they should also apply to free-standing billboards as well rather than play favorites. He understands what Mr. Harkins is trying to achieve and protect, but it is completely unnecessary because we have a standard permitting process in place that takes care of this and it keeps our local government out of private affairs between property owners and billboard companies.

No one spoke in opposition to the request.

A MOTION was made by Councilman Yost to approve the revisions to the Ordinance as presented. Councilman Payton seconded the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2012-28, an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 230-Sign Regulations and Chapter 332-Public Improvements as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

AN ORDINANCE TO AMEND THE CITY OF VALDOSTA'S ETHICS ORDINANCE POSTPONED

Consideration of an Ordinance to amend the City of Valdosta's Ethics Ordinance.

George Talley, City Attorney, stated that at the City of Valdosta's Mayor/Council Retreat this year, changes to the current Ethics Ordinance were discussed. There had previously been some concern raised by elected officials about the potential misuse of the ethics complaint process for political reasons. The Ethics Ordinance was reviewed and it was noted that the governing authority may elect to remain silent on this issue and allow local ethics complaints to be filed and processed at any time or the governing authority may consider two alternatives as listed in Section VII, Receipt of Complaints of the amended Ethics Ordinance. George Talley recommended the Ordinance to amend the Ethics Ordinance be postponed until further review by the Mayor and Council. Larry Hanson stated the existing Ordinance will continue to remain in place until such time a new one is adopted.

A MOTION by Councilman Vickers, seconded by Councilman Wright, was unanimously adopted (7-0) to postpone the request to amend the City of Valdosta's Ethics Ordinance.

RESOLUTION NO. 2012-18, A RESOLUTION FOR THE GEORGIA MUNICIPAL ASSOCIATION'S CERTIFIED CITY OF ETHICS PROGRAM

Consideration of a Resolution for the Georgia Municipal Association's Certified City of Ethics Program.

Larry Hanson, City Manager, stated that the Georgia Municipal Association (GMA) appointed an Ethics Task Force in 1998 to address concerns over a trend toward less confidence in public officials. The Ethics Task Force was comprised of municipal elected officials, community and industry leaders, and academics. The result of their work was the publication of a "Model Code of Ethics for Georgia City Officials" in September, 1999 and the implementation of GMA's Certified City of Ethics program. Certification under this program is not in any way approval of past or present conduct by the city or any city official. Instead it is an attempt to raise awareness about ethics issues at the local level and provide a local forum for the airing and resolution of legitimate concerns. The use of a local Ethics Ordinance allows citizens to raise their concerns and participate in the ethics investigation process at the local level, where the voice and influence of the individual citizen is strongest. To earn a "Certified City of Ethics" designation, a city must take the following two actions: (1) Adopt a Resolution establishing the five ethics principles for the conduct of your city's officials, (2) Adopt an Ethics Ordinance that meets minimum standards approved by the GMA Board. The City of Valdosta is currently a Certified City of Ethics and is scheduled to recertify in January, 2013. To remain certified, the City must submit to GMA for review and approval a copy of any changes to the City's Ethics Ordinance since the initial certification and a current Resolution signed by a majority of the governing body re-adopting the five ethics principles. The recertification process must be completed no later than 12 months after the City's scheduled recertification date. To recertify and be recognized at the GMA Mayors' Day Conference in January, 2013, GMA must receive the necessary documents no later than December 20, 2012. Larry Hanson recommended that Council approve the Resolution for the Georgia Municipal

Association's Certified City of Ethics Program. Councilman Wright inquired as to whether this would not cause them to lose the City's current certification. Larry Hanson stated that the City would not lose its current certification and ensures that the current Ordinance meets the GMA Policy by having all of the Council members sign the Resolution.

A **MOTION** by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Resolution No. 2012-18, a Resolution for the Georgia Municipal Association's Certified City of Ethics Program, the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2012-19, A RESOLUTION FOR AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO CONDUCT A WILDLIFE HAZARD ASSESSMENT STUDY AT THE VALDOSTA REGIONAL AIRPORT

Consideration of a request from the Valdosta-Lowndes County Airport Authority to approve a Resolution authorizing the execution of a contract with the Georgia Department of Transportation to conduct a Wildlife Hazard Assessment Study at the Valdosta Regional Airport.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Airport Authority is required by the Federal Aviation Administration (FAA) to conduct a Wildlife Hazard Assessment at the Valdosta Regional Airport. The FAA will fund 90% and this new contract with the State will fund 2.5%. The remaining 7.5% will come from Airport funds. The assessment will consist of a one-year survey and up to four months to write the report. The total project cost is \$95,034. A Resolution has been prepared authorizing Mayor John Gayle to accept the contract from the Georgia Department of Transportation upon receipt in order to expedite processing. Larry Hanson recommended that Council approve the Resolution to conduct a Wildlife Hazard Assessment Study at the Valdosta Regional Airport.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Resolution No. 2012-19, a Resolution for authorizing the execution of a contract with the Georgia Department of Transportation to conduct a Wildlife Hazard Assessment Study at the Valdosta Regional Airport, the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPRENDITURES

Consideration of a Memorandum of Agreement between the Valdosta Fire Department and the Georgia Emergency Management Agency Homeland Security's Georgia Search and Rescue Team (GSAR).

Fire Chief J. D. Rice stated that the Georgia Emergency Management Agency (GEMA) has caused the creation of the Georgia Search and Rescue (GSAR) teams as special regional response teams comprised of qualified local governmental public safety entities. These teams have been supplied with appropriate equipment, training, and exercises to enable them to assist the State and requesting party with GSAR personnel, equipment, services, supplies, and other resources during an emergency or disaster. The State of Georgia is vulnerable to a wide range of natural or man-made disaster/emergencies. The City of Valdosta's Fire Department is one of seven (7) Regional GSAR Response Teams in the State covering an area from Interstate 75 south of Cordele to the Florida line and all areas west to the Alabama State line. Members of the Valdosta Regional Response Team were deployed to assist Hurricane Katrina victims as well tornado victims in Taylor and Mitchell County, Georgia. The Georgia Emergency Management Act gives the State and local governments the authority to make agreements for mutual aid assistance in emergencies to ensure the timely reimbursement of costs incurred by the local governments which render such assistance. A Memorandum of Agreement was approved in 2008; however, it has since been modified in order to clarify how reimbursements are made. Chief Rice recommended that Council approve the memorandum of Agreement between the Valdosta Fire Department and the Georgia Emergency Management Agency Homeland Security's Georgia Search and Rescue Team (GSAR).

A **MOTION** by Councilwoman White, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve a Memorandum of Agreement between the Valdosta Fire Department and the Georgia Emergency Management Agency Homeland Security's Georgia Search and Rescue Team (GSAR).

Consideration of a Contract with the Georgia Department of Transportation for maintenance of State highway routes within the City of Valdosta.

Larry Hanson, City Manager, stated that the Georgia Department of Transportation (DOT) contracts for the maintenance of State routes within the jurisdiction of local municipalities. Several months ago, Council approved a contract that made some amendments to the standard DOT contract. The DOT did not accept those amendments; therefore, their standard contract is being brought before Council for approval. The contract allows for the City to be reimbursed for \$3,500 per mile per year for maintenance of State routes inside the City limits. The City will perform minor maintenance (including pavement patching, mowing and cleaning of right-of-way, shoulder maintenance, ditch cleaning, re-seeding and sodding, snow and ice removal, guardrail maintenance, emergency response, and pertinent maintenance for proper and safe operation) and the DOT will perform major maintenance (including highway signs, center and edge line striping, resurfacing, provide guardrail material, etc.) There are 26.58 miles of highway to maintain per the Contract and the total annual amount paid to the City will be \$93,030. The Contract will be automatically renewed every twelve (12) months beginning with the effective date of the Contract and will continue to the year 2055. The DOT Maintenance Division has been holding all of the invoices submitted by the City since July, 2012 until the Contract is approved by the DOT Commissioner. Once this has been approved, a purchase order will be created and the invoices will be processed for payment. The total due to the City at this time is \$30,135.49. Larry Hanson recommended that Council approve the Contract with the DOT for maintenance of State highway routes within the City of Valdosta.

A MOTION was made by Councilwoman Norton to approve a Contract with the Georgia Department of Transportation for maintenance of State highway routes within the City of Valdosta. Councilman Wright seconded the motion. The motion was adopted (6-1) with Councilman Yost voting in opposition.

Consideration of bids for Phase 2 of the Sidewalk Installation Project.

Larry Hanson, City Manager, stated that it was determined that sidewalks were needed in various locations within the City Limits of Valdosta. The locations of the sidewalks for Phase 2 of the Project have been determined and have been advertised for bid. Sealed bids were received by the City of Valdosta at the office of the City Engineer at 2:00 p.m. on Thursday, December 13, 2012 for the construction of sidewalks along the following locations: (1) Lee Street - Vallotton Drive to Mary Street, (2) River Street - Hightower Street to Beck Street, and (3) Vallotton Drive - Ashley Street to Troup Street. There were two bids received from three eligible bidders. The low bid was submitted by Rountree Construction in the amount of \$568,399.80. The second lowest bid was from Woodard Construction Co. in the amount of \$572,119.50. The Engineering Department estimate was \$514,677.50 which was based on previous bid prices. The bid price increase may be reflective of market prices rising approximately 10%. Larry Hanson recommended that Council approve the low bid submitted by Rountree Construction in the amount \$568,399.80 plus a 10% contingency (\$56,839.98) to handle any unforeseen circumstances for a total of \$625,239.78. Councilman Vickers inquired as to whether Rountree Construction would use any of the City's VSEB contractors. Larry Hanson stated that Rountree Construction did comply with the VSEB and they committed to at least 10%. They have provided the name of the VSEB vendors to Pat Collins, City Engineer. Councilman Payton stated he was glad to see that the bids were competitive. Larry Hanson stated that you like to see the low bids but sometimes you are concerned when the bid is substantially lower than the others because you wonder if the contractor missed something. Larry Hanson stated that the Engineering Department's bid was based on previous prices and he had asked the City Engineer to go back and see if he could gain any more interest. The contractors were just not interested and some just prefer to be subs on the Project. Council could reject the bids and rebid it or accept the low bid. The Engineering Department does the best that they can to look at the quantities and prices but they are not active in the market and may not know whether concrete prices have gone up in the past 14 days or things of that nature. Councilman Wright stated that they have received the bid information later than normal on the past two projects which could present some problems. Larry Hanson stated that we had changed the Council Meeting date last month and this month and the Engineering Department had advertised it assuming that we would have a second meeting of the month.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to approve the low bid submitted by Rountree Construction in the amount \$568,399.80 plus a 10% contingency (\$56,839.98) to handle any unforeseen circumstances for Phase 2 of the Sidewalk Installation Project.

Consideration of bids for uniforms for the Fire Department (Bid No. 4-12-13).

Greg Brown, Purchasing Agent, stated that the current Fire Department uniform contract is set to expire on December 31, 2012. Typically, the Department makes multiple purchases throughout the year to replace older uniforms and to provide new uniforms for new personnel. This contract is for one year with options to renew for two additional years. Sealed bids were received on October 30, 2012 with the low bid meeting specification submitted by Artistic Designs in the amount of \$360.55. The numbers above represent a total cost of one unit of each piece necessary (various shirts, various pants, coats). The cost three years ago was \$430.70 for the same items which means we will have a 16% decrease in pricing. Greg Brown recommended that Council approve the low bid meeting specification submitted by Artistic Designs in the amount of \$360.55 and allow the Fire Department to proceed with the purchase.

A MOTION was made by Councilman Carroll to approve the bid submitted by Artistic Designs in the amount of \$360.55 and allow the Fire Department to proceed with the purchase. Councilwoman White seconded the motion. Greg Brown asked that the motion be amended to state the low bid meeting specification because the low bid did not meet the specifications. Councilman Carroll and Councilwoman White agreed to the amendment. The motion was unanimously adopted (7-0).

Consideration of bids for water treatment chemicals for the City of Valdosta (Bid No. 5-12-13).

Greg Brown, Purchasing Agent, stated that the contract for water treatment chemicals is due to expire on December 31, 2012. This bid is for one year with an option to renew for an additional year. An annual contract results in better pricing and more reliable delivery throughout the year. This bid will be awarded to multiple vendors due to the fact that no one vendor can supply all of the products required due to the nature of the products. Each company typically specializes in one or two products. Seventeen (17) bids were received on December 4, 2012 and the recommended vendors and pricing are as follows: (1) Caustic - JC Jones in the amount of \$1.83, (2) Sulfuric Acid - Shrieve Chemical in the amount of \$136.00/ton, (3) Hydrofluosilic – Dumont in the amount of \$2.95/gallon, (4) Oxygen – Praxair in the amount of \$.5691/cubic hundred feet, (5) Salt – Univar in the amount of \$119.37, (6) F-35 Phosphate - Dumont in the amount \$7.10, (7) Ton Chlorine - Allied Universal in the amount of \$349.00/ton cylinder, and (8) Sulfur Dioxide - Allied Universal in the amount of \$69.10/container. Greg Brown recommended that Council approve the recommended vendors and pricing.

A MOTION by Councilman Carroll, seconded by Councilwoman White, was unanimously adopted (7-0) to approve the following bids for water treatment chemicals for the City of Valdosta and to allow the Utilities Department to proceed with the purchase: (1) Caustic - JC Jones in the amount of \$1.83, (2) Sulfuric Acid - Shrieve Chemical in the amount of \$136.00/ton, (3) Hydrofluosilic – Dumont in the amount of \$2.95/gallon, (4) Oxygen – Praxair in the amount of \$.5691/cubic hundred feet, (5) Salt – Univar in the amount of \$119.37, (6) F-35 Phosphate – Dumont in the amount \$7.10, (7) Ton Chlorine - Allied Universal in the amount of \$349.00/ton cylinder, and (8) Sulfur Dioxide - Allied Universal in the amount of \$69.10/container.

Consideration of bids for temporary bar screen installation at the Withlacoochee Wastewater Treatment Plant.

Henry Hicks, Utilities Director, stated that the original Bar Screens at the Withlacoochee Wastewater Treatment Plant were taken out of service in 2000 because of ongoing equipment failures due to severe corrosion. These screens were scheduled to be replaced in May, 2009 but the contract was ultimately cancelled due to the flood that year and the City’s submission of a Hazard Mitigation Plan (HMP) to FEMA. Even though the contract for bar screen installation was cancelled, the bar screen equipment had already been purchased by the City and the equipment was delivered to the Withlacoochee Wastewater Treatment Plant and put in storage for future use in the new headwork structure planned with the New Pump Station and Force Main Project. The Withlacoochee Wastewater Treatment Plant has been operating without an effective screening system for over 12 years. A screening system is required by the Georgia Environmental Protection Department (EPD) and the City was cited for not having an operational screen system in place during a recent facility inspection by EPD. Due to extended delays by FEMA regarding its final decision on City’s HMP for relocation of the Withlacoochee Wastewater Treatment Plant and the high potential of future flood events combined with the location of the influent pump

station where the bar screen was to be installed, the Utilities Department is recommending a temporary screening system be installed at the existing headworks. This will meet regulatory requirements by removing debris and preventing clogs and blockages elsewhere in the Plant's treatment processes. The Utilities Department requested quotations from companies capable of supplying and installing bar screens. Three quotations were received with Comarco Industrial, Inc. submitting the lowest bid in the amount of \$104,770. Henry Hicks recommended that Council approve the low bid submitted by Comarco Industrial in the amount of \$104,770 plus a 10% contingency.

A MOTION by Councilman Wright, seconded by Councilman Yost, was unanimously adopted (7-0) to approve the low bid submitted by Comarco Industrial in the amount of \$104,770 plus a 10% contingency for temporary bar screen installation at the Withlacoochee Wastewater Treatment Plant.

LOCAL FUNDING AND REQUESTS

Consideration of a request from the Valdosta Fire Department to accept State property for firefighter training.

Fire Chief J. D. Rice stated that the State of Georgia has several Live Fire Training Facilities in areas designated as Regional Training Centers by the State Fire Academy. The Academy has decided to donate each of these training facilities to the local department for their use, if accepted. This facility was installed in 1999 by the State of Georgia when the State Fire Academy designated the City of Valdosta Fire Department as a Regional Training Center. Since that time, hundreds of firefighters in southwest Georgia, local Police Officers, and Moody Air Force Helicopter Rescue personnel have used this facility for training and other purposes. This is a multi-use Live Fire and Rescue Training Facility that is a valuable asset to our Public Safety personnel. The Valdosta Fire Department is seeking authorization from Mayor/Council to accept this property for firefighter training and ISO credits. The Valdosta Fire Department is asking that Council authorize the Mayor to sign the State of Georgia's Surplus Property Eligibility Application for this property. Chief Rice recommended that Council approve the request to accept State property for firefighter training.

A MOTION by Councilman Vickers, seconded by Councilwoman White, was unanimously adopted (7-0) to approve the request to accept State property for firefighter training for the Valdosta Fire Department.

Consideration of a request to approve a Memorandum of Understanding between the City of Valdosta Main Street Program and the Georgia Department of Community Affairs.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta has been a designated Main Street program since 1984. The program has also been nationally certified for the past 16 years. All Main Street communities are required to approve a Memorandum of Understanding (MOU) between the program sponsor and the Georgia Department of Community Affairs (DCA) in order to remain in compliance with the criteria required of Main Street programs. The MOU specifically outlines the responsibilities of the City regarding funding, staffing, training, program implementation, and program reporting. The MOU further sets forth the responsibilities of the DCA regarding the State-wide administration of the program and the programmatic support provided to individual member communities. Mara Register recommended that Council approve the Memorandum of Understanding between the City of Valdosta Main Street Program and the Georgia Department of Community Affairs.

A MOTION by Councilwoman White, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the Memorandum of Understanding between the City of Valdosta Main Street Program and the Georgia Department of Community Affairs.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Fry Street Elevated Storage Tank was placed on the pedestal last week which was an amazing site to see. They will now begin work on the interior of the tank and it should be completed by June 1, 2013. The new tank will hold 2 million gallons of water and will be the largest storage tank in the City. Two older tanks will be eliminated which will decrease maintenance costs for two small tanks. The new tank will also improve water pressure in the area for better fire protection and improve water quality.

The Fire Department will be hosting their annual Christmas event tonight and Mayor and Council are invited to attend.

The Valdosta State University Blazer football team will be playing for a National Championship on Saturday, December 15, 2012.

Larry Hanson, City Manager, stated that Mara Register, Assistant to the City Manager, would like to provide an update to the Mayor and Council on some Land Bank activities that are going on. Mara Register stated that Councilman Yost currently serves on the Land Bank Authority and they have had a banner year for 2012. They recently had a meeting this week and they have authorized the sale on nine properties after the first of the year. They have worked on these properties over the last several years to get them into redeveloped status through either tax sales or auctions. The Authority is also directly involved in educating others about Senate Bill 284 which is the new Land Bank Legislation that was passed this year in the General Assembly and signed by the Governor in May. They are also hosting the Georgia Association of Land Bank Authorities on December 17, 2012 at 1:00 p.m. in the City Hall Annex Multi-Purpose Room. Professor Frank Alexander, author of the original Land Bank Legislation, will be here along with the Executive Committee of the Board and representatives of all Land Bank Authorities in the State of Georgia. Our Land Bank Authority has been very committed and active and they are looking forward to getting into the new Legislation and expanding their ability to do more redevelopment in our community. Councilman Yost inquired as to the number of houses they will be selling. Mara Register stated that they have nine properties and will be subdividing one of them so there will be ten lots for sale after the first of the year.

Larry Hanson, City Manager, stated that tonight is Police Chief Frank Simons final Council Meeting for the City of Valdosta. As he looked back 17 ½ years ago when the Mayor and Council honored him by allowing him to serve as City Manager and giving him an interim six months to demonstrate that he could, the first month he had to hire a Police Chief. Those were some difficult times and on a leap of faith, Frank Simons accepted that job and the challenge to come here and rebuild our Police Department. The Valdosta Daily Times has done an excellent job with some recent stories on Chief Simons and giving him the praise that he really deserves for what he has accomplished here. Chief Simons made that Department one that many want to work for and be a part of. It has a great reputation in the State and beyond. He wanted to publicly thank Chief Simons for his willingness to come here and accept the challenge. Chief Simons has shown honesty, integrity, and dedication throughout his career and has done a fantastic job in serving the citizens of this community. Larry Hanson stated that he will be forever appreciative to Chief Simons for his leadership and dedication. Chief Simons' job is difficult and it is not always possible to please everyone, but the citizens and the leaders in the community have always respected and trusted him. He has never let them down in all these years and we appreciate that very much. There will be a Retirement Ceremony in honor of Chief Simons on January 4, 2013 from 4:00 p.m. to 6:00 p.m. at the Turner Center for the Arts.

Chief Frank Simons stated that he has enjoyed his time at the City and working with the men and women at the Police Department. Though he sometimes gets the credit for the things they do, the men and women at the Police Department really deserve the credit. Council also deserves credit because many, if not most, of the successes they have had could not have occurred without the support of the Mayor and Council. Chief Simons stated that he was humbled and after having a lifelong career in Law Enforcement he could not think of another Police Chief in another city or county that could truthfully say he/she has had the support of their Mayor and Council that he has had. This is a bittersweet time for him since this is all he has ever done and he thanked everyone for their support.

COUNCIL COMMENTS

Councilman Yost stated that he recently attended the National League of Cities in Boston, Massachusetts, and attended some really good sessions. One of the sessions was about making your city pedestrian and bike friendly and Boston is definitely one of those cities who does it 100%. In the very near future, he will have some ideas and items to be placed on the Mayor/Council Retreat Agenda that he would like for Council to look at.

Councilman Vickers stated that the first National League of Cities he attended with City Manager Mike Cason was in Boston and when they arrived they had on their South Georgia clothes and almost froze. He promised God that if he got him back south he would not go back up there in the winter. Later on, former Councilman Bunnis Williams wanted him to attend the Conference in Boston with him and Councilman Vickers told him he was not going. Councilman Williams told him that they knew now what to carry with them. Councilman Vickers stated that he told Councilman Williams he knew that but he had promised God he would not go back.

Mayor Gayle stated that this is his last meeting of the year and he appreciated all of the hard work that Council has done and he looked forward to working with them in 2013.

CITIZENS TO BE HEARD

There were no citizens to be heard.

ADJOURNMENT

Mayor Gayle adjourned the December 13, 2012 Rescheduled Regular Meeting at 6:44 p.m. to meet again in Regular Session on Thursday, January 10, 2013.

City Clerk, City of Valdosta

Mayor, City of Valdosta