

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, DECEMBER 5, 2013
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

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

AWARDS AND PRESENTATIONS

PRESENTATION OF THE DECEMBER, 2013 EMPLOYEE OF THE MONTH AWARD

Police Chief Brian Childress, presented the December, 2013 Employee of the Month Award (Earl Durrance, Police Department).

Earl Durrance began his employment with the City of Valdosta Police Department in March, 1988 as a Patrol Officer. In October, 1999, he was promoted to Sergeant and then in July, 2009 he was promoted to Lieutenant which is the position he currently holds. In the Patrol Division, Lt. Durrance has many responsibilities which include supervising sworn personnel, responding to citizens' complaints, investigating and reviewing Officer's reports, and testifying in Court as required. He also acts as Shift Commander in the absence of the Shift Captain and provides emergency rescue and aid as needed. Several months ago, the Police Department was dispatched to an accident on South Forrest Street where a citizen's leg was driven over by a train. Lt. Durrance arrived on scene and observed a young teenager lying on the railroad with his leg amputated just below the knee. The young man seemed to be in shock and was in and out of consciousness. Realizing the situation was critical, Lt. Durrance requested a citizen to bring him something to make a tourniquet. The citizen gathered a cloth strap and a screwdriver and Lt. Durrance prepared the tourniquet and stopped the bleeding. This was a great example of Lt. Durrance's exceptional effort to provide aid in an emergency situation. The quick thinking of Lt. Durrance gave the young man a better chance of surviving his injury until emergency staff arrived. For these reasons and many others, the Employee Relations Committee nominated Lt. Earl Durrance as Employee of the Month. Lt. Earl Durrance then presented the young man who lost his leg and his mother with the \$200 check that he received as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the November 21, 2013 Regular Meeting was approved by unanimous consent (7-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2013-25, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A PERSONAL CARE HOME IN A SINGLE-FAMILY RESIDENTIAL (R-10) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a Personal Care Home in a Single-Family Residential (R-10) Zoning District as requested by Cynthia McDougle (File No. CU-2013-04). The property is located at 808 Bethune Street. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended approval with conditions (7-0 vote).

Matt Martin, Planning & Zoning Administrator, stated that Cynthia McDougle is requesting a Conditional Use Permit (CUP) for a family-size Personal Care Home (up to four to six residents) in a Single-Family Residential (R-10) Zoning District. The property consists of 0.19 acres located at 808 Bethune Street. This is along the northerly side of the street approximately 350 feet east of Lake Park Road. The property contains an existing single-family residence (1,512 square feet with four bedrooms) and the applicant is proposing to convert the dwelling into a Personal Care Home with four adult persons who are developmentally disabled. These are former

residents of the Southwestern State Hospital in Thomasville which is closing down by December 31, 2013. The property has a small dilapidated driveway and the applicant is proposing to install two paved driveways that are short and located at each of the front corners. The property is located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan. Personal Care Homes are required to be licensed by the State which has far more detailed and restrictive requirements than those imposed by the City. (The applicant currently operates a State-licensed Personal Care Home at 601 Charlton Street, but she has not yet applied for a State license for the subject property.) The main purpose of the City's regulations for Personal Care Homes is to ensure that surrounding residential areas are protected from a potentially negative institutional atmosphere and that the residential character of the property is appropriately maintained. The City divides Personal Care Homes into three different size categories (family, group, and congregate). The property is located in the middle of a completely built-out single-family neighborhood along Bethune Street which consists of relatively narrow lots with moderately-sized houses. In this environment, it is particularly important that a Personal Care Home be small and generally unnoticeable so as to not detract from the residential character of the area. In this case, the applicant is proposing to have up to four residents. This is considered consistent in size with a typical family and therefore deemed appropriate for the area. The only noteworthy issue in this case is that the property has a very small front yard with a short, substandard driveway, and insufficient access to the rear yard for a possible small parking area. Personal Care Homes require constant on-site supervisory staff as well as a vehicle to transport residents. Therefore, adequate parking on-site for at least two vehicles is very important. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions: (1) Conditional Use approval shall be granted for a Personal Care Home with no more than four residents plus one resident manager. (2) Pave both driveways as depicted on the proposed site plan and as approved by the City Engineer. There shall be no parking in the unimproved (grass) areas of the front yard. (3) Conditional Use approval shall expire after two years if the Personal Care Home is not licensed and operating by that date. The Planning Commission reviewed this at their November 25, 2013 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval and subject to the same three conditions as recommended by Staff (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Wright, seconded by Councilman Yost, was unanimously adopted (7-0) to enact Ordinance No. 2013-25, an Ordinance for a Conditional Use Permit to allow a Personal Care Home in a Single-Family Residential (R-10) Zoning District as requested by Cynthia McDougale with the following conditions: (1) Conditional Use approval shall be granted for a Personal Care Home with no more than four residents plus one resident manager, (2) Pave both driveways as depicted on the proposed site plan as approved by the City Engineer and there shall be no parking in the unimproved (grass) areas of the front yard, and (3) Conditional Use approval shall expire after two years if the Personal Care Home is not licensed and operating by that date, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-26, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN A SINGLE-FAMILY RESIDENTIAL (R-6) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a church in a Single-Family Residential (R-6) Zoning District as requested by Jessie Marshall, III (File No. CU-2013-05). The property is located at 625 East Gordon Street. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended approval with conditions (5-2 vote).

Matt Martin, Planning & Zoning Administrator, stated that Jessie Marshall, III is requesting a Conditional Use Permit (CUP) for a proposed church in a Single-Family Residential (R-6) Zoning District. The property consists of 0.26 acres located at 625 East Gordon Street. This is along the south side of the street approximately 550 feet east of North Troup Street (between Jones Street and Broad Street). The property contains an existing commercial building (about 3,200 square feet) that has been inactive for many years. The property is located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan. The applicant is proposing to purchase the property and convert the building into a church. In terms of

surrounding land use pattern, this area is dominated by residential uses with one small commercial use on property located to the east at the corner of Broad Street. East Gordon Street is a designated collector road which carries a little more traffic than the nearby local street. A small institutional use (such as the proposed church) seems very appropriate for this location. There are currently no improved parking facilities on site, but there are several existing on-street parking spaces along this segment of East Gordon Street. The minimum parking requirement for the proposed church is 15 spaces based on the 1,500 square feet of worship space, and this number is reflected on the proposed site plan. The applicant is proposing to convert the rear yard into an unpaved parking lot with an unpaved access drive and to utilize all of the nearby on-street parking for when the church is operating. Although for parking purposes this is considered an “infrequent use” with pavement being optional (as approved by the City Engineer), Staff is a little concerned about having zero paved parking on site, particularly in the western side driveway area that will service eight parking spaces, and how this will later appear and hold up for the long-term. Staff is also concerned with balancing the needs of this “adaptive reuse” proposal of an old commercial building in a residential area, the desire to minimize stormwater runoff, and acknowledging that this is still a relatively small facility. Therefore, a minimal amount of pavement for the side driveway only (which will receive the greatest wear) will not adversely affect stormwater conditions of the site and seems appropriate. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval to the City Council, subject to the following conditions: (1) Conditional Use approval shall be granted for a church facility that utilizes the existing building only, with both on-site and off-site parking facilities as shown on the site plan. A minimum 10’ wide paved driveway shall be installed along the western side yard of the property extending from East Gordon Street to a point equal to the rear wall of the building. (2) Conditional Use approval shall expire after five years if the church is not regularly operating by that date. The Planning Commission reviewed this at their November 25, 2013 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following conditions (5-2 vote): (1) Conditional Use approval shall be granted for a church facility that utilizes the existing building only, with both on-site and off-site parking facilities as shown on the site plan. A minimum 10’ wide paved driveway shall be installed along the western side yard of the property extending from East Gordon Street to a point equal to the rear wall of the building. Initially, this driveway may be installed utilizing asphalt millings or other material approved by the City Engineer, but shall be permanently paved with either asphalt or concrete within two years of CUP approval. (2) Conditional Use approval shall expire after five years if the church is not regularly operating by that date.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION was made by Councilwoman White to approve a Conditional Use Permit to allow a church in a Single-Family Residential (R-6) Zoning District as requested by Jessie Marshall with the following conditions: (1) Conditional Use approval shall be granted for a church facility that utilizes the existing building only, with both on-site and off-site parking facilities as shown on the site plan. A minimum 10’ wide paved driveway shall be installed along the western side yard of the property extending from East Gordon Street to a point equal to the rear wall of the building. (2) Conditional Use approval shall expire after five years if the church is not regularly operating by that date. Councilman Norton seconded the motion. The motion was adopted (5-2) to enact Ordinance No. 2013-26 with Councilman Vickers and Councilman Wright voting in opposition, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-27, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A PERSONAL CARE HOME IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a personal care home in a Residential-Professional (R-P) Zoning District as requested by Theresa Patterson (File No. CU-2013-06). The property is located at 108 East Adair Street. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended approval with conditions (7-0 vote).

Matt Martin, Planning & Zoning Administrator, stated that Theresa Patterson is requesting a Conditional Use Permit (CUP) for a family-size Personal Care Home (up to four to six residents) in a Single-Family Residential (R-P) Zoning District. The property consists of 0.21 acres located at 108 East Adair Street. This is along the north

side of the street approximately 100 feet west of Slater Street. The property contains an existing professional office building (2,497 square feet) that was converted from a former single-family residence. The applicant is proposing to convert the building into a Personal Care Home with up to six adult persons who are developmentally disabled. These are former residents of the Southwestern State Hospital in Thomasville which is closing down by December 31st. The property has a small existing parking lot in the rear yard which will be utilized by the new use. The property is located within a Transitional Neighborhood (TN) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within the local Historic District. Any modifications to the site or exterior of the building will require Certificate of Appropriateness approval from the Historic Preservation Commission (HPC). Personal Care Homes are required to be licensed by the State which has far more detailed and restrictive requirements than those imposed by the City. The main purpose of the City's regulations for these is to ensure that surrounding residential areas are protected from a potentially negative institutional atmosphere and that the residential character of the property is appropriately maintained. The City divides Personal Care Homes into three different size categories (family, group, and congregate). The property is located in the center of an area that is dominated by R-P zoning and a land use pattern that is a mixture of residential uses and professional offices. It is important that small Personal Care Homes be generally unnoticeable so as to not detract from the character of the area. In this case, the surroundings already consist of many non-residential uses and therefore a small residential/institutional use (such as a Personal Care Home) is considered compatible with this kind of land use pattern. The property was formerly a small professional office and already has a small parking area on site that can accommodate the required parking. The property also has an existing handicap ramp in the rear yard that was installed without proper permitting or Historic District approvals. This is currently being rectified by the applicant. Any additional changes or alterations to the exterior will require appropriate Historic Preservation Commission (HPC) approval. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following conditions: (1) Conditional Use approval shall be granted for a Personal Care Home with no more than four residents plus one resident manager. (2) Conditional Use approval shall expire after two years if the Personal Care Home is not licensed and operating by that date. The Planning Commission reviewed this at their November 25, 2013 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval and subject to the same two conditions as recommended by Staff (7-0 vote).

Councilman Payton inquired as to whether there was any objection at the Planning Commission Meeting for the Conditional Use Permits for Personal Care Homes. Matt Martin stated that there was no one at the Planning Commission Meeting speaking in favor or against; however, during the advertising period they did receive a few telephone inquiries from nearby owners as to what the Public Hearing sign was. They expressed no opposition to these requests.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilwoman White, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Ordinance No. 2013-27, an Ordinance for a Conditional Use Permit to allow a personal care home in a Residential-Professional (R-P) Zoning District as requested by Theresa Patterson with the following conditions: (1) Conditional Use approval shall be granted for a Personal Care Home with no more than four residents plus one resident manager, and (2) Conditional Use approval shall expire after two years if the Personal Care Home is not licensed and operating by that date, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-28, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 2.2 acres from Manufacturing/Distribution (M-2) to Wholesale Light Industrial (M-1) as requested by Mac Mackey (File No. VA-2013-16). The property is located at 103 B Avenue. The Greater Lowndes Planning Commission reviewed this request at their November Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning & Zoning Administrator, stated that Mac Mackey is requesting to rezone approximately 2.2 acres from Manufacturing/Distribution (M-2) to Wholesale Light Industrial (M-1). The property

is located at 103 B Avenue which is at the southeast corner of B Avenue and West Hill Avenue. This is also about 500 feet west of the intersection with St. Augustine Road. The property contains an existing warehouse building (19,200 square feet) which was a former beverage distribution facility. The applicant is proposing to lease the building to a flea market business which is not allowed in M-2 zoning but is allowed in M-1. The property is currently located within a Regional Activity Center (RAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of M-1 zoning. The existing building has been vacant for some time and the applicant has been unable to lease it for another warehousing/distribution type of use. Since there are no plans to change the exterior of the building or alter the site, except for striping of the parking spaces, nothing is triggered for improvements on the outside; however, the change in use will trigger some modifications to be made on the inside of the building in order to comply with Building and Fire Codes. Several decades ago, due to the presence of the CSX railroad switching yard to the south and the proximity of I-75 to the west, this area was originally planned for industrial development, and hence the industrial zoning that was put in place; however, the development pattern in this area has evolved to more of a commercial nature instead. Many of the properties along the south side of West Hill Avenue were later down-zoned to Commercial Zoning in order to facilitate commercial development. The properties along B Avenue and nearby Hemlock Street developed early on (1970's) as industrial uses; however, these are mostly warehousing-related uses that are associated more with an M-1 zoning pattern rather than M-2. Because of the commercial growth associated with Exit 16 and West Hill Avenue, this area is no longer planned for industrial development and is now considered a major commercial gateway into the City. The existing M-2 zoning is no longer appropriate here, and even M-1 can be considered a little too intensive; however, the existing land use pattern is already set along B Avenue as M-1 type uses. Although a down-zoning to C-H would be ideal, the proposed down-zoning to M-1 is still a step in the right direction and is consistent with the established land use pattern. Staff found the request consistent with Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommended approval. The Planning Commission reviewed this at their November 25, 2013 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Ordinance No. 2013-28, an Ordinance to rezone 2.2 acres from Manufacturing/Distribution (M-2) to Wholesale Light Industrial (M-1) as requested by Mac Mackey, the complete text of which will be found in Ordinance Book XII.

REQUEST TO CLOSE AN ALLEY LOCATED BETWEEN EAST MOORE STREET AND EAST COLLEGE STREET TABLED

Consideration of a request to close an alley located between East Moore Street and East College Street.

Pat Collins, City Engineer, stated that Mrs. Barbara Rice approached the City with a request to close the 18 foot strip of unimproved alley which runs in a southern direction between East Moore Street and East College Street. There are no improvements in the alley and it is either tree-covered or has a portion of a hotel partially located on the property. This 18 foot strip was deeded to the City in 1924 by J. C. Wilson. The four residents who currently own property which abuts the alley signed a petition in favor of this closure. Two of these properties, 407 East Moore and 1620 North Ashley Street, are in the process of being purchased and the buyers have also signed the petition. The public notice ran for the appropriate length of time and all Departments were notified about the request.

No one spoke in favor of the request.

Robert Dinkins, 1616 North Ashley Street, spoke in opposition to the request. Mr. Dinkins stated that he owns the property that is located adjacent to the motel that will be torn down and that is the Deli House. That property has a sizeable amount of wooded area behind it which he plans to develop. He has always needed an exit for that area and there is an 18 foot section that goes right through a well-manicured yard that is part of the alley.

The proposed use when they tear the motel down will be a Minute Market and it does not make any sense to close it. The alley is there and he can use it. Mr. Dinkins asked Council not to approve the request to close the alley behind his property and the area behind the motel. The Deli House has a large parking lot and they have a lot of cars in there all during the day. When he does develop the property on the back of his land, it would be difficult to exit and congested. It would be dangerous for that many cars going in and out off of Ashley Street and he needs that area to exit his property. There is no reason to close the alley and the developers just want to take that 9 feet and push their Minute Market back to that for trash bins and other things that go behind Minute Markets. It would be detrimental to his property and he sincerely asked Council not to approve the request to close the alley. Councilman Vickers inquired as to whether Mr. Dinkins had any conversations with the Engineering Department. Mr. Dinkins stated that he has not spoken to anyone in the Engineering Department. He was presented with the petition by the realtor who is selling that property and he told the realtor he did not want to sign it. He did ask the realtor if he could speak to the owners about giving him an easement to go across the back of their property and the answer to that was absolutely no. Larry Hanson inquired as to what Mr. Dinkins would be using the alley for. Mr. Dinkins stated that he would be using it as a driveway to exit when he builds on the back of the property. It would be difficult to lease his building once he builds it back on the property with no exit. He has 82.15 feet of depth on that property and it will be sufficient to build a nice building on the back of it with parking and to exit on the side back toward that driveway would be an advantage. Mr. Dinkins stated that he would be harmed financially by closing the alley. Councilwoman White inquired as to whether Mr. Dinkins had planned to come before Council to ask for use of the alley when he began development of his property. Mr. Dinkins stated that was correct and that it is not an actual alley at the present time and it would have to be cleared and paved in order to access it. Mr. Dinkins stated that he would be willing to do that. Larry Hanson, City Manager, stated that there is densely forested property even beyond his property back to the street and he would not have the right to clear out something that is not abutting his property. Mr. Dinkins stated that he would clear out the area abutting his property and go out to College Street which is not forested. Most of it is a yard for a house that is behind the subject corner. He would take the 18 feet of yard from the house which is mostly grass. George Talley, City Attorney, inquired as to whether this was actually deeded to the City. Mr. Dinkins stated that after talking to the surveyors they found that it was actually owned by the City and the City has the right to close it or not close it. It does not show on the tax map as being an alley for whatever reason. George Talley stated that if you record a plat that shows a public alley on it and unless the City accepts that and opens it up and uses it as an alley it does not necessarily become part of the property of the City so that may be something that Mr. Dinkins may want to look into as well. Mr. Dinkins stated that the surveyors found it was a dedicated alley and it is owned by the City. Councilwoman White inquired as to whether the building at 1610 North Ashley extended into the strip. Mr. Dinkins stated that the building that is on the corner of the property does not encroach in the alley. Councilman Carroll inquired as to how long Mr. Dinkins has owned the property. Mr. Dinkins stated that he has owned it approximately 18 years.

Mayor Gayle stated that he would allow Mr. Bill Sineath to come forward and speak in favor of the request. Mr. Sineath stated that there were two letters on file that were from the City Engineer in the mid-1970's and mid-1980's stating that the alley was closed. The deed from the Holiday Terrace Hotel actually says that they own the alley behind their property. That is up in the air because they never did find any record of it actually being deeded back to the people who originally had it in 1924. Ashley Oaks was actually built in the alley in the 1950's. Bill Sineath stated that the alley has never been used but there is a deed on record dated 1924 where it was actually deeded to the City. There are two letters saying that the alley was abandoned. They could not find in any of the Minutes where it was actually voted on to give it back to the people. That is why they are here tonight to try and clean it up. Councilman Wright inquired as to whether they could postpone the request because it appears that there is a lot of information still outstanding.

A MOTION was made by Councilman Vickers to table the request to close an alley located between East Moore Street and East College Street until the January 9, 2014 Regular Council Meeting and that the City Attorney meet with the City Manager and the Engineering Department to bring some clear direction back to Council. Councilman Carroll seconded the motion. The motion was adopted (6-1) with Councilwoman White voting in opposition.

RESOLUTION NO. 2013-12, A RESOLUTION TO APPROVE AN INCREASE IN THE CITY OF VALDOSTA'S ACCOMMODATIONS (HOTEL/MOTEL) TAX

Consideration of a Resolution to approve an increase in the City of Valdosta's Accommodations (Hotel/Motel) tax.

Mark Barber, Deputy City Manager of Administration, stated that at the Mayor/Council Retreat last year, it was discussed to increase the Hotel/Motel tax from 5% to 7% and everyone was in general agreement to do this. The City of Valdosta needs additional funding to subsidize the annual operating loss at Mathis Auditorium and to allow for capital improvements at the James H. Rainwater Conference Center. At some point in the future, this funding will go towards operating a new Municipal Auditorium; however, it is needed right now for budget obligations we already have. The tax is paid for primarily by tourists and non-residents who stay in hotels and is collected by local properties. Many local governments have already raised the tax from 5% to 7% and even 8% (Albany). As an example, on a \$75 room, the tax is currently \$3.75 and it would be \$5.25 if we increase it. So it's a total of \$1.50 increase on the example given. Under Georgia law, the City must first have it approved by a local act in the Georgia General Assembly before imposing it. Local acts must be introduced in the first 20 days of the session and the session begins in January. A Resolution must be approved requesting the local act be introduced and approved. We informed the delegation in our recent meeting/luncheon with them that the City would be bringing this matter forward; therefore, time is of the essence is approving this agenda item. Mark Barber recommended that Council approve the Resolution for an increase in the City of Valdosta's Accommodations (Hotel/Motel) tax.

A **MOTION** was made by Councilman Carroll to approve a Resolution for an increase in the City of Valdosta's Accommodations (Hotel/Motel) tax. Councilman Vickers seconded the motion. Councilman Wright stated that he has asked for some additional information on this in order to get a better understanding so he would be abstaining from the vote. The motion was adopted (6-0-1) with Councilman Wright abstaining to enact Resolution No. 2013-12, the complete text of which will be found in Resolution Book V.

ORDINANCE NO. 2013-29, AN ORDINANCE TO AMEND THE CITY OF VALDOSTA'S ACCOMMODATIONS (HOTEL/MOTEL) TAX ORDINANCE

Consideration of an Ordinance to amend the Accommodations (Hotel/Motel) Tax Ordinance.

Mark Barber, Deputy City Manager of Administration, stated that the City of Valdosta currently has an Accommodations (Hotel/Motel) tax rate of 5%. The current rate of 5% has been in place since January 1, 1992 and is paid by the traveling public when they stay at hotels in the City. The General Assembly passed House Bill 1168 in 2008 which allows local governments to impose this tax up to a rate of 8%. Currently, more than 45 communities in Georgia impose an Accommodations tax rate higher than 5%. The City is proposing to increase the current rate of 5% to 7% for the following purposes: (1) allocate the appropriate amount for promoting tourism, conventions, and trade shows as required by State law, (2) allocate specific funding to the Valdosta-Lowndes County Convention Center to be utilized for capital improvements, and (3) allocate funding to decrease the operating deficit of Mathis Municipal Auditorium. Mark Barber recommended that Council approve the Ordinance to amend the Accommodations (Hotel/Motel) Tax Ordinance.

A **MOTION** was made by Councilman Carroll to approve an Ordinance to amend the City of Valdosta's Accommodations (Hotel/Motel) tax. Councilman Vickers seconded the motion. The motion was adopted (6-0-1) with Councilman Wright abstaining to enact Ordinance No. 2013-29, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-30, AN ORDINANCE TO AMEND THE REFUSE COLLECTION AND DISPOSAL ORDINANCE

Consideration of an Ordinance to amend the Refuse Collection and Disposal Ordinance.

Emily Davenport, Stormwater Superintendent, stated that the City of Valdosta is a Phase II stormwater community that is regulated by the Georgia Environmental Protection Division (EPD). As part of being issued a

stormwater permit by EPD, the City must provide a Stormwater Management Program (SWMP) that outlines our community's activities to ensure that the permit requirements are being met. Every five years, the permit is revised and re-issued. One of the comments received from EPD for the 2012 - 2017 permit was that specific language from the Phase II Federal Regulation needs to be added in regards to Construction Site Stormwater Runoff Control. In order to comply with the City of Valdosta's State issued stormwater permit and EPD instruction, specific language relating to construction site stormwater runoff control needs to be added to the existing Litter Ordinance. The proposed revision has been pre-approved by EPD and will meet the requirement. As part of this update, the City is revising the entire Ordinance to include all previous amendments into one document. Staff from Public Works, Code Enforcement, Engineering, City Manager, and the City Attorney's Office worked on the proposed changes. Emily Davenport recommended that Council approve the Ordinance to amend the Refuse Collection and Disposal Ordinance.

A MOTION was made by Councilman Yost to approve the Ordinance amending the Refuse Collection and Disposal Ordinance. Councilman Vickers seconded the motion. Councilman Payton stated that he had one correction to be made to the Ordinance. On Page 116 of the Agenda Packet at the bottom of the page, the word "contact" should say "contract." The motion was unanimously adopted (7-0) to enact Ordinance No. 2013-30 with the correction, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2013-13, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U. S. DEPARTMENT OF HOMELAND SECURITY (DHS) TO PURCHASE A 75 FOOT AERIAL PLATFORM FIRE TRUCK AND EQUIPMENT

Consideration of a Resolution authorizing the filing of an Application with the U. S. Department of Homeland Security (DHS) to purchase a 75 foot Aerial Platform Fire Truck and equipment.

Fire Chief J. D. Rice stated that the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grants Program Directorate is responsible for the implementation and administration of the Assistance to Firefighters Grant (AFG) Program. The purpose of the AFG is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards. The Grants Programs Directorate administers the Fire Apparatus Grants as part of the AFG Program. The Fire Apparatus Grants offers Grants to support activities in two categories: (1) safety equipment, pre-loaded onto the truck such as tools and hose lines to protect firefighting personnel and lower incidences of death and injuries caused by lack of compliant equipment, and (2) NFPA compliant apparatus to replace our out of date 41-year old ladder truck and keep our ISO rating at a 2 due to City expansion and multi-story development near the interstate. The Valdosta Fire Department has a history of success with the AFG grant, having just closed one out in 2012 for SCBA's. The City is seeking funding under the 2013 AFG Apparatus Funding Grant to purchase a 75 foot Aerial Platform Truck and tools and equipment to outfit said apparatus. The Valdosta Fire Dept. will provide a 10% match, or \$102,500 from City Funds or possible SPLOST funds if successful in receiving the \$1,025,000 in grant funds. A Resolution must be approved to authorize the Mayor to execute the Grant Application to apply for AFG Grant funding. Chief Rice recommended that Council approve the Resolution authorizing the Mayor to execute the Grant Application to apply for AFG Grant funding.

A MOTION by Councilman Norton, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Resolution No. 2013-13, a Resolution authorizing the filing of an Application with the U. S. Department of Homeland Security (DHS) to purchase a 75 foot Aerial Platform Fire Truck and equipment, the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2013-14, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U. S. DEPARTMENT OF HOMELAND SECURITY (DHS) TO PURCHASE PROTECTIVE FIREFIGHTING GEAR

Consideration of a Resolution authorizing the filing of an Application with the U. S. Department of Homeland Security (DHS) to purchase protective firefighting gear.

Fire Chief J. D. Rice stated that the U. S. Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grants Program Directorate is responsible for the implementation and

administration of the Assistance to Firefighters Grant (AFG) Program. The purpose of the AFG is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards. The Grants Programs Directorate administers the Fire Equipment Grants as part of the AFG Program. Fire Equipment Grants offers grants to support activities in two categories: (1) safety equipment such as Turn Out Gear to outfit firefighting personnel and lower incidences of death and injuries caused by lack of compliant equipment, and (2) NFPA compliant cleaning machines to properly clean said equipment and extract the deadly chemicals and carcinogens that remain on turn out gear after a structure fire or chemical explosion. The Valdosta Fire Department has a history of success with the AFG Grant having just closed one out in 2012 for SCBA's. The City is seeking funding under the 2013 AFG Equipment Funding Grant to purchase Personal Protective Equipment (77 sets) and Washing Machine/Extractors and Dryers that will improve the Valdosta Fire Department's ability to safely outfit personnel for emergencies City-wide and meet NFPA standards which we do not meet at the present time. The Valdosta Fire Department will provide a 10% match, or \$22,100 from City funds if successful in receiving the \$221,000 in Grant funds. A Resolution must be approved authorizing the Mayor to execute an application to apply for Grant funding. Chief Rice recommended that Council approve the Resolution authorizing the Mayor to execute the Grant Application to apply for Grant funding.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Resolution No. 2013-14, a Resolution authorizing the filing of an Application with the U. S. Department of Homeland Security (DHS) to purchase protective firefighting gear, the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of an Intergovernmental Agreement for Building Inspections Services for the City of Lake Park.

Larry Hanson, City Manager, stated that the City of Lake Park has been conducting their own building inspections for a number of years and it was recently brought to their attention that the Lake Park Building Inspector is not certified. Lake Park has requested that the Valdosta-Lowndes County Building Inspections Department perform these services. In order to be consistent with the other smaller municipalities in the Valdosta area and to meet State requirements, the City of Lake Park has requested that they enter into an Intergovernmental Agreement with the City of Valdosta and Lowndes County for building inspections services. They wish to use the licensed inspectors of the Department, plan review, and permitting and inspections services of the Department. The City of Lake Park unanimously approved the wording of the Intergovernmental Agreement at their November 12, 2013 City Council Meeting. The City of Lake Park has requested that the effective date of this Intergovernmental Agreement be January 1, 2014. This Intergovernmental Agreement will also need to be approved by the Lowndes County Board of Commissioners. Larry Hanson recommended that Council approve the Intergovernmental Agreement for Building Inspections Services for the City of Lake Park.

A MOTION by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (7-0) to approve an Intergovernmental Agreement for Building Inspections Services for the City of Lake Park.

Consideration of a request to approve an Access Haul Road Agreement.

Henry Hicks, Utilities Director, stated that last year Council authorized expenditures in the amount not to exceed \$275,858.60 for easement acquisition along the six mile Force Main route. To date, Staff along with Lovell Engineering and Almand & Company have acquired or have agreements in hand for the majority of those required easements with the exception of a few. The Access Haul Road Agreement was a negotiated as a public/private partnership to obtain three major easements (Langdale Company, Langdale/ADS, and Loch Winn Farms) in return for granting Advanced Disposal Services (ADS) an access road easement through the buffer zone of the future Withlacoochee Wastewater Treatment Plant site. The access haul road requested by ADS is located in an unbuildable buffer area along the borders of the future Plant site. A road may be constructed in this buffer but structures are prohibited. The cost for construction and maintenance of the haul road is the responsibility of ADS entirely. In return for this easement and agreement with ADS, the City is getting the Langdale Company, Langdale/ADS, and Loch Winn Farms easements at minimal cost to the City. Henry Hicks recommended that Council approve the request for an Access Haul Road Agreement with Advanced Disposal Services.

A **MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to approve request for an Access Haul Road Agreement with Advanced Disposal Services.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that a Press Release was sent out this week regarding Valdosta Firefighter Chad Roe being named the Firefighter of the Year. There was a collapsed trench in Douglas and Firefighter Roe risked his own life to save someone else's life. Also, to hear Lt. Durrance's story tonight and his efforts to save someone's life and then it was his idea to make the contribution to the family was very moving. That says a lot about the caliber of the people we have who work for the City and there are many examples that Council is not aware of where employees have bought someone a bus ticket to help them get home or given money out of their own pocket to others for groceries. Sometimes these human stories get omitted in the world today and it was nice to see and hear that today.

Council has been asked by Pat Collins, City Engineer, to submit street candidates for the Local Maintenance & Improvement Grant (LMIG) Program by Friday, December 13, 2013. Councilman Yost stated that it looks like they are over the amount that was budgeted for and inquired as to whether the streets names that submit would be for the next time. Larry Hanson stated that we have until July, 2014 to spend the LMIG funds so we have to get the streets in and the project going. We have \$446,000 in LMIG funds and we will have to match that with \$133,000. We will also have the new SPLOST starting in January but we will not receive our first check until March, 2014. We will have to spend approximately \$580,260 and we will find a way to do that because we are not going to turn down \$446,000. Larry Hanson stated that we still wanted to ask Council for street recommendations because something may have changed since those previous submissions. The Engineering Staff will evaluate all of the street recommendations and they will be brought back before Council based on need and condition.

The second Council Meeting in December will be cancelled based on the feedback from Council. This means that tonight is our final meeting of 2013.

The Holiday Open House and Christmas Parade will be held on Saturday, December 7, 2013 and Council is encouraged to participate in these events.

On Saturday, December 7, 2013, the City of Valdosta will turn 153 years old so "Happy Birthday" to the City of Valdosta.

Larry Hanson, City Manager, stated that the application deadline for the Fire Chief search has closed and we received 56 applications of qualified applicants from 20 different states. There was a lot of interest throughout the country for this position and it will be handled similar to the Police Chief search. Larry Hanson will be working with CVIOG in selecting a new Fire Chief and they bring in a team of existing or retired Fire Chiefs to evaluate the final candidates. They will also put them through some exercises and then provide us with feedback from their perspective. They will come in next week to meet with him and Chief Rice and then review all of the applications and develop a list of six to eight to bring in for the exercises. Chief Rice actually recommended that we use this process because he has actually served in a similar process on four occasions to help the City of Dothan, Alabama, the City of Birmingham, Alabama, the City of Savannah, Georgia, and most recently the City of Athens-Clarke County. Because of this process and the upcoming holiday season, it will not be completed until early 2014. Chief Rice has also graciously agreed to stay on for an extra month or two.

Larry Hanson, City Manager, stated that with Chief Rice retiring it has been tough on him as well because in 1995 he was appointed City Manager and in the first month he hired a new Police Chief and in his second month he hired a new Fire Chief. Chief Rice has been a great Fire Chief for our City and our community and we have seen a lot of success under his leadership. We have advanced from a Class 3 down to a Class 2 ISO rating. There are over 700 governments in Georgia and there are only ten that are Class 2 or below so that tells you the standing of our Fire Department. Either all of our stations are either new or have been renovated, and the equipment and training has also improved. We have made so many advances in our Fire Department and it is held in such high regard around the State. Larry Hanson stated that he appreciated Chief Rice's service to the City. He has been an asset to the team and the community. Larry Hanson asked Chief Rice to come forward and make a few comments.

Fire Chief J. D. Rice thanked the citizens of Valdosta for giving him an opportunity to serve as Fire Chief and for Larry Hanson, City Manager, having confidence in him to lead the Valdosta Fire Department. He has always felt it was a great Fire Department. He was thinking today about why Valdosta is called "Winnersville" and most people will say because of the football team but that is not true. To him, Valdosta is called "Winnersville" because of the people who live here. There are some great people in Valdosta and he has been blessed to live a dream. The City Manager has always set the bar high for all of the Department Heads. At one time, our team consisted of him serving as the President of the State Fire Chiefs Association, Chief Simons serving as President of the Police Chief Association, and Mark Barber, Deputy City Manager of Administration was President of the Finance Officers Association. Mara Register, former Assistant to the City Manager, had won an award for something she had done and Mike Martin, Director of Community Development, was President of the Georgia Inspections Association. Leon Weeks, former Utilities Director, was raking in awards for an outstanding job in the Utilities Department. Larry Hanson put together some great people so you had to measure up to some pretty high standards. He was never a Manager who micro-managed. He told Chief Rice that he was not hired to be the Fire Chief because that is what Chief Rice was hired for and that is what he allowed him to do. Chief Rice stated that he would be eternally grateful to him for that because he allowed him to take some great people that he already had in place and give them a chance to grow. Chief Rice thanked the Mayor and Council for their support of the Fire Department. They asked for things and had to hold the line on the budget, but if there were things that they needed they were never turned down. They needed to grow the stations, the equipment, personnel, training, and they have always had tremendous support. You could not ask for anything better as a Fire Chief. Chief Rice stated that he was deeply grateful that Council placed the confidence in him to lead the Fire Department all these years.

COUNCIL COMMENTS

Councilman Wright stated that a while back he asked that we look at the Public Works Department to see if we could find some employees for Employee of the Month. Those employees have jobs that are not the most glamorous but they are very much needed in our City. Also, Councilman Wright stated that he is not against church but when you have a family who is getting ready to go to work the next day and they are having church you cannot call the Police and have them arrested. This is a sensitive situation and maybe they will do better on it in the future.

Councilman Yost stated that it has been great serving on the Council for the past four years with this group and with Councilwoman White. It is Councilwoman White's last meeting and he thanked her for her service to the City and for her dedication to her District.

Councilman Payton stated that they have had some great times together with Councilwoman White and he has enjoyed serving and working with her. Though they may disagree on some things, it was never personal and that was a good thing. Councilman Payton also invited the Mayor and Council to attend the Wiregrass Technical College's EAGLE Reception next Tuesday, December 10, 2013, at the Valdosta-Lowndes Co. Chamber of Commerce at 5:30 p.m.

Councilman Vickers made a special presentation to Councilwoman White. Councilman Vickers stated that Councilwoman White has left the Council a better place than what she found it.

CITIZENS TO BE HEARD

David Robinson, Bishop of the Independent Denomination of Ethnicity Churches and retired Police Officer for the City of Valdosta, thanked the Mayor and Council for listening to the community when someone calls you with a concern. The consideration that you give in addressing those concerns is wonderful. You put the community above your personal desires and intentions. That is a true mark of a public servant. On behalf of the Community and the churches that he represents, he thanked each Council member for the jobs that they do.

Gail Green, 2824 Fawnwood Circle, stated that something occurred 18 years ago this month in December, 1995 and she never had an opportunity to acknowledge the City Fathers at that time nor has she had the opportunity to thank Chief J. D. Rice. She had just arrived in Valdosta and had been here for 14 days and they had a three-county blackout on Christmas Eve. She did not know anyone and had a building of 65 people who were not able to take care of themselves at all and the power was out. The two giant generators in the basement of the Ashley

House that were supposed to be the emergency power did not operate. She called 911 and several fire trucks arrived within seconds. Within less than 12 minutes, 64 of the 65 people were out of their apartments and were safe and sound in the lobby of the Ashley House. They left two firefighters behind since they were uncertain as to what was going to happen to the power. Gail Green stated that she has always been extremely grateful for that because she did not know what to do or where to turn. She thanked Chief J. D. Rice for his assistance that night.

SPECIAL PRESENTATION FOR COUNCILWOMAN DEIDRA WHITE

Mayor Gayle stated that at this time there would be a special presentation for Councilwoman White who did not run for re-election. Mayor Gayle stated that he has only been the Mayor for two years but he has always had women in his life that he had to follow their direction. He learned very early on that Deidra White was one of those people and you just had to do what she said. The reason for that was because she knew what she was talking about. She was always very knowledgeable about situations and causes that she was championing and she made sure that you knew what you needed to do. Mayor Gayle stated that he was very proud to have served on the Council with Councilwoman White and wished her the best on her future endeavors. Mayor Gayle presented Councilwoman White with a framed picture of City Hall along with a bouquet of flowers.

Larry Hanson, City Manager, stated that it had been 25 years since a woman has served on the City Council and he has enjoyed the opportunity to work with Councilwoman White. She has brought a great deal to the Council and as she leaves we have some really exciting things for the Downtown area that we hope to announce before the end of the year because she has been a participant in making those things happen. Larry Hanson thanked Councilwoman White on behalf of the Staff and the City of Valdosta for her work, support, and service to the community.

Councilman Wright stated that Councilwoman White brought a different perspective to the Council and he learned a lot by watching her. He enjoyed working with her and hopefully we can get more female members involved with this because we need to get politically correct and say Council member.

Councilman Carroll stated that he is now serving his second term and it has been a great learning experience to see what each member of Council, the Mayor, and the Department Heads bring to table; however, , one thing is for sure and that it that Councilwoman White contributed greatly to that experience. It has been an honor to serve with Councilwoman White and he appreciated everything she has done to make our City better.

Councilman Vickers stated that he joined in the sentiments of everyone and they all love Councilwoman White.

Councilman Norton thanked Councilwoman White for accepting him and helping him along the way in the past three years. Councilman Norton wished her well and lots good health and happiness.

George Talley, City Attorney, stated that he has enjoyed working with Councilwoman White tremendously and wished her the best of luck.

Councilwoman White stated that she wanted to congratulate Sandra Tooley and send best wishes for her time on Council. I hope that it is met with the upmost success and we look forward to her doing a great job. Councilwoman White also thanked John Hogan and Calvin Graham, Sr. for making themselves available to serve. You are now regarded as people who will step up to share your time and talents with our community and I appreciate all your efforts as well. Councilwoman White stated that in your life you meet people and some you never think about again, some you wonder what happened to them, there are some that you wonder if they ever think about you, and then there are some that you wish you never have to think about again. It has not been easy being in this particular seat but you do your best. Moving on is a simple thing but it is what you leave behind that is hard. Councilwoman White stated that in all sincerity, to each one of her elected comrades who have served in the trenches, I love each one of you, I am going to miss you, and it has been an honor and a privilege to serve with you and to serve the constituents of District 2. Councilwoman White stated that her children, Nicolas and Isabella, were here tonight and they have learned a lot about life in the past four years and through everything they have faced together, they have shown courage well beyond their years while maintaining the kindest of hearts with an

understanding that serving others is what we all are called to do in whatever way we can. Thank you for sharing me with the City. I could not be more proud or thankful for you both and I cannot wait to spend more quality time with both of you. Thank you all for your kind remarks.

ADJOURNMENT

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the December 5, 2013 Regular Meeting of the Valdosta City Council at 6:56 p.m. and enter into Executive Session to discuss real estate and litigation.

Mayor Gayle reconvened the December 5, 2013 Regular Meeting of the Valdosta City Council at 7:22 p.m. and stated that no action was taken.

Mayor Gayle entertained a motion for adjournment.

A **MOTION** by Councilman Norton, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the December 5, 2013 Meeting of the Valdosta City Council at 7:23 p.m. to meet again in Regular Session on Thursday, January 9, 2014.

City Clerk, City of Valdosta

Mayor, City of Valdosta