

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, FEBRUARY 10, 2011
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Ben Norton, Deidra White, Robert Yost, and James Wright. Councilman Alvin Payton, Jr. was absent. The invocation was given by Father Dan O'Connell, St. John's Catholic Church, followed by the Pledge of Allegiance to the American Flag. Mayor Fretti recognized students from Valdosta State University's Advanced Reporting Journalism class and participants from this year's Lowndes Youth Leadership class and thanked them for being at the meeting.

AWARDS AND PRESENTATIONS

Mayor Fretti entertained a motion for Awards and Presentations.

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

PRESENTATION OF THE FEBRUARY, 2011 EMPLOYEE OF THE MONTH AWARD

Mayor Fretti presented the February, 2011 Employee of the Month Award (Chad Row, Fire Department).

Chad Roe began his employment with the City of Valdosta Fire Department in May, 1999 as a Firefighter. In July, 2008, he was promoted to the rank of Lieutenant which is the position he currently holds. In this position, Lt. Roe supervises the Fire Department's company officers who function as first line supervisors during incident responses. He also oversees administrative functions for his station and ensures compliance with all City policies. In November, 2010, Engine One responded to a report of a vehicle in the pond at Payton Park. Upon arrival it was determined that the driver was still in the car and was unable to get out. Acting quickly, Lt. Roe and Officer Thompson swam out to the car. After determining that the victim was uninjured, Lt. Roe secured him with a rescue rope and assisted as he was pulled to shore. Once on shore, Lt. Roe immediately swam back to the vehicle to check for other possible victims who may have been trapped in the car. Fortunately, no others were found. When the tow truck arrived, Lt. Roe swam back out to the vehicle for a third time to secure the towing cable. General Norman Schwarzkopf once said, "It doesn't take a hero to order men into battle. It takes a hero to be one of those men who goes into battle." Thanks to Lt. Roe's heroic action that probably saved the victim's life and aided in the recovery of his property, Lt. Roe was given a Letter of Commendation from the Valdosta Police Department and is worthy of recognition from his fellow employees as well. For these reasons and many others, the Employee Relations Committee nominated Lt. Chad Roe as Employee of the Month.

SPECIAL PRESENTATION OF THE NATIONAL COMMUNITY DEVELOPMENT ASSOCIATION (NCDA) GABE ZIMMERMAN AWARD FOR PUBLIC SERVICE

Special presentation of the National Community Development Association (NCDA) Gabe Zimmerman Award for Public Service.

Mara Register, Assistant to the City Manager, stated that the National Community Development Association presented the Gabe Zimmerman Award for Public Service to the City of Valdosta on January 21, 2011 in Washington, D.C. This is the third National Award that the City of Valdosta has received for housing and community development efforts in the last six years. It is called the Gabe Zimmerman Award because last month there was a shooting in Tucson, Arizona, and a young man, Gabe Zimmerman, who was Congressman Gabrielle Giffords' Aid and was killed in the incident. His mother, Emily Nottingham, serves on the Board of Directors of the National Community Development Association. The Executive Committee felt that it was only fitting that this year's award be named in Gabe's honor for his public service. Mara Register also recognized Sabrina Riley-Randolph, Neighborhood Development Coordinator, for her efforts in putting together the award nomination and the application submitted to the Federal Home Loan Bank for the \$800,000 in grant funds that the City of Valdosta

received. This award represents what Council has guided Staff to do over the last few years in working a targeted neighborhood approach for housing and neighborhood efforts. This yields the greatest tangible benefits for our neighborhoods and communities as a whole. Mara Register presented the award on behalf of the National Community Development Association to Mayor John J. Fretti.

APPROVAL OF MINUTES

The minutes of the January 20, 2011 Regular Meeting were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

Roy Taylor, 2209 Bridlewood Drive, stated that the Mayor and Council are not reading the Ordinances and are passing them on the recommendation of someone else and not realizing the hardships that they cause people in our community. Mr. Taylor stated that the Land Development Regulations (LDR) requires a drinking fountain that costs anywhere from \$1,100 to \$3,000. The State mandates that you can have a drinking fountain or a water cooler according to Table 4031 2006 Edition of the IPC for a new business. A drinking fountain wastes 50% of the water and if you use eight gallons a day out of the fountain then you only get four gallons. A water cooler is very sanitary because you have a device to take the water out of it, you drink it, and then you put it back. Mr. Taylor stated that he was going to take the City to Court over that Ordinance and it will be in front of nine men who can even tell the President what to do. He does not have malice in his heart but he would like for Council members to start doing their jobs when they try to fill up the LDR with more pages. Mayor Fretti stated that as a point of reference, there are two women on the Supreme Court if that was what Mr. Taylor was referring to.

Floyd Rose, 4001 Foxborough Boulevard, stated that he had no intention of coming back before Council again. Every man at some point in his life has had an experience that has determined for him what he will become and what he is. When he was eleven years old, he was on a bus chartered by the Simpson Street Church of Christ in Atlanta headed to Birmingham, Alabama. He was seated next to an 80 year old woman and just as they were about to cross the Alabama line, she whispered to him that she needed to use the restroom. At that time there were no black bus drivers and no restrooms on the bus. Mr. Rose stated that he went down the aisle and touched the bus driver on the shoulder and told him that there was an old woman who needed to use the restroom. As the bus crossed the Alabama line, it stopped near a service station across the street. He assumed that the bus driver would go in and make arrangements; however, the driver just sat there. Mr. Rose stated that he got off the bus, walked across the street, and knocked on the door as he opened it. There were four white men seated at a card table playing cards. He told the men that there was an old lady on the bus that needed to use the restroom. A big, burly man who had a cigar hanging out of the right side of his mouth slowly took it out. He told Mr. Rose that they did not have any nigger restrooms. Mr. Rose told him that she was an old lady. The man got up from the table, put the cigar down, walked around and opened the door, and the he put his hand in the pit of Mr. Rose's stomach and shoved him as hard as he could. Mr. Rose stumbled back, hit the gas pump, and slid down in the grit, grime, and oil which ruined his blue suit that his mother had bought for the trip. The man then walked back into the service station. Mr. Rose looked back at the bus and saw 30 or 40 people whose eyes were frozen with fear. He made a decision that he would never be like that man and he would never be like those people. He would never make people afraid of him and he would never be afraid of people who made people afraid of them. That has determined his life and a struggle that he has known for civil and human rights for almost 49 years. He came home to Valdosta in 1995 and found outside of this Council Chamber wall a plaque that read: "The Mayor and Council shall make all appropriate and necessary laws for the control of slaves and free men of color." That plaque was removed reluctantly at the urging of George Rhynes. While the plaque has been removed, he has discovered that the policies that gave birth to that plaque are still in place. One of the policies is the one that he told the Mayor and Council two or three weeks ago he could not and would not abide by because it was designed only for the purpose of controlling the citizens of this City. Mr. Rose stated that he would never be bought or bossed as a matter on conscious. It was suggested at the end of the last Council Meeting that some of the citizens come before Mayor and Council to grandstand and create theater. It was suggested that Floyd Rose just wants to be arrested. Mr. Rose stated that he has been arrested before and he spent 25 long hours in solitary confinement in the Lowndes County jail because of you. Anybody with any common sense would never want to go to the Lowndes County jail to spend any time. There are some things that are so deeply embedded in him, principles for which he lives and for which he is prepared to die, and he

welcomes the opportunity to go back to the Lowndes County jail and spend another 25 hours in solitary confinement if he thought that by doing so it would stop Council and others from allowing a Biomass Plant to be built in the black community which threatens the life and safety of our children. Mr. Rose stated that he knew anything he might say would not help so he is finished with that issue in this Council Chambers and will not be back. Mr. Rose stated that he has learned if the ball is not in your court, however long and hard you swing at it, you cannot hit it. This ball is not in his court.

George Boston Rhynes, 5004 Oak Drive, stated that for nearly eight years Council has been represented on 92.1 and 105.9 FM radio stations with Black Crow Media and only by listening to these two stations will voters know what is coming up at this meeting and what action has been taken on the issues; however, the majority of citizens in this community do not know what is going on in their own community. Mr. Rhynes stated that he did not like that and he wanted all of Council to be removed from office if they continue to ignore the majority of the people in this community. Unlike when we stand before this Council, we hear people on 105.9 and 92.1 radio stations who say we are politically posturing and performing theatrics that are racially motivated and seeking to gain financial benefits. Mr. Rhynes stated that they are voters and they want the elected officials to know that freedom of speech and freedom of the press is an earned right and tradition. He spent 21 years in this man's army and he was sent places he did not want to go. Our local press should have informed voters about what was taking place at this public meeting wherein there were problems at the Martin Luther King, Jr. (MLK) monument but not one word was said about it; therefore, the people in this community do not know anything about it. Mr. Rhynes stated that he had an elderly lady come to him about problems on Troup Street. There are no gutters, no sidewalks, and old sewage pipes that he thought were outlawed because of the rust. There is a man who lives on Troup Street whose wife was sick and the paramedics could not even get in his driveway due to a deep ditch. Mr. Rhynes stated that he does not politically posture and he comes before Council because people call him and this is what he does. In closing, the brother can come tell his story because it is a story that needs to be told. He went and knocked on some doors and people told him that the elected officials do not care about the south side of town or the black community. That is sickening in 2011 because there is a racial problem in Valdosta.

John Robinson, 3227 San Juline Circle, stated that he represented the Black Business Association and other small businesses. There is a meeting which will be held on February 18, 2011 at 1:30 p.m. with the small businesses and black businesses in our City. They have heard many details about the problems in our City but it is time to bury some hatchets and find some solutions. Our local economy needs to be revitalized and we are on the right road. Council members are invited to attend this meeting along with others in the Valdosta Small Emerging Business (VSEB) program. There is not enough emphasis being put on the VSEB program to promote it. We have to start somewhere and we can work together. The VSEB Program is a crucial program and they need to work toward the goals. They will need to have contractors to complete applications and will need Council members to assist with the banks. They have got to try to formulate something. They want to know about all of the proposed projects and proposals for bids so they can bring people in to work on them but there has got to be fairness.

Leigh Touchton, 610 Mack Drive, President of the NAACP, distributed some information for the Mayor and Council to review. Ms. Touchton stated that she would bring the Ethics Complaint against Councilman James Wright signed and notarized and would give to George Talley, City Attorney, as soon as possible. She has been sick with the flu and then her computer had a virus so she will bring it in this week she hoped. One of the articles is "Dismantling Energy Apartheid in the United States" which was written by Dr. Robert Bullard who is the nation's premier expert on environmental justice. The mission of the NAACP is to promote equality and one of the mission statements at the national level is to fight against environmental racism or environmental justice. Dr. Bullard wrote about the issue in Valdosta as well as other issues in Georgia. Approximately 75% of the Biomass Plants proposed in Georgia are being sited in black communities. People who work in the medical profession know that African-Americans are three to five times more likely to have asthma and to die from it. When you look at where polluting industries, such as Biomass, get sited it is easy to understand why African-Americans are bearing the brunt of medical problems associated with environmental degradation. Ms. Touchton stated that she has worked with Mayor Fretti to achieve some zoning protection in their community and asked, as a mother of an eight year old, that Council think beyond our little community in Valdosta and think about the south side community. This community has been designated by the Environmental Protection Agency (EPA) as an environmental justice community. This means that it is already subject to more pollution than most of Lowndes County. The only other area that receives as much pollution is the Clyattville PCA Plant. When the Biomass Plant comes to Valdosta, it will be ten times

worse than everything that is currently in there. There are three elementary schools within two miles and two of those are predominantly black, there is a Head Start Program that has 165 children between the ages of three and five and they are almost all black, and there is a nursing home called Sands Horizon which serves 65 families who are primarily black. When Dr. Bullard wrote this article which came out this week, he used the latest Census figures and GIS mapping and documented that 80% of the people who live in a one mile radius are black. We are not saying that people on the Industrial Authority are racist, but we are saying there is an institutional problem known as environmental racism. Council has the power to deny the gray water to be sold to this Biomass Plant which would shut it down because they would have to go to the EPD and ask for a water permit to pull up to 800,000 gallons per day from the aquifer. Many communities have risen up against water hogs and shut these things down because shallow wells run dry. Ms. Touchton stated that she read somewhere that it was approximately \$250,000 or \$300,000 that City Council hoped to achieve in terms of money from selling the gray water. It is not worth the 4,000 to 8,000 cases of cancer, heart disease, and asthma that will accrue if the Biomass Plant is built. Secondly, there is a petition with 335 signatures which were taken last June. The NAACP is not a fringe group and they are the largest and oldest civil rights organization in the world with one half million members nationally. The Georgia State Conference has signed on against the Valdosta Biomass Plant and 135 of the signatures represent some families that the black community knows and loves such as the Tooley's, the Sirmans', and the Freeman's. Ms. Touchton asked that the NAACP not be called a fringe group.

Sam Herring, 726 South Troup Street, stated that he has a problem with access to the property at 726 and 728 South Troup Street. These are old houses that were built a while back and he called the City Engineer's Office to ask about installing an access pipe so vehicles could get across the deep ditch. There was also a sink hole at the corner of Troup Street and Milton Street which his mother almost fell in because the City would not come out and fix it. Mr. Herring stated that the Engineering Department told him that they could not put the pipe in and he did not know why they could not do that. George Talley, City Attorney, inquired as to whether Mr. Herring was talking about a private driveway. Mr. Herring stated that was correct. George Talley stated that was the answer to his question. Mr. Herring stated that every driveway down there was a private driveway and they all have a pipe there. Some of the pipes are so outdated and bent that some of the water cannot even pass through them. Mr. Herring stated that some people have to walk in the street and asked that Council also look into sidewalks. Mayor Fretti stated that they would look into the situation and respond back to Mr. Herring.

Dr. Michael Noll, 2305 Glynnedale Drive, stated that going ahead with a Biomass Plant that not only wastes millions of our tax dollars and is an economically risky venture, it also has great consequences in terms of the added air pollution particularly when it comes to the most vulnerable people in our society which is the children. Valentine's Day is coming up in February and the schools will be having Jump Rope for Heart events. The pollution that comes out of the Biomass incinerator would have immense impacts on respiratory illnesses, rates of cancer, and heart disease. Dr. Noll inquired as to whether Council thinks that institutions such as the American Lung Association, American Heart Association, American Cancer Society, and thousands of doctors throughout the country and our community are lying to us when they say that with the pollution we can expect grave health consequences. Dr. Noll stated that he did not think they were lying to us because there is scientific research. Mayor Fretti stated that it is the practice of Council to get back with citizens when they have questions and inquired as to whether that was a rhetorical question or did he really want Mayor and Council to write an answer to that. Dr. Noll stated that it may be a rhetorical question because he was somewhat struck by the silence, which at times sounds like screaming in his point of view. They are bringing back topics over and over again and do not get a response. Rev. Rose has indicated that he was very unhappy about the fact that he was not getting any responses in terms of where Council stood on the Biomass incinerator or accepting the fact that they are seeing the risks. Dr. Noll did not even hear statements saying that they were concerned. There seems to be a silence and the issue is being avoided. The issue is fully stated by many organizations and while the sky is not falling, the pollution will be increasing and we will have to pay the consequences for it. The question is whether we want to do this and he did not think so. Mayor Fretti stated that Rev. Rose wants to debate every person on Council individually, one by one while he takes the podium, whether it takes a half hour or a full hour or illicit a response every time which would delay the time it would take for Dr. Noll to speak before Council; therefore, it is Council's policy not to respond like that unless they ask a question. Also, this Council made a statement a month ago and it might not have been on Biomass or what he wanted to hear, but they made a statement and he could get that in written form. Dr. Noll inquired as to the nature of the statement in regard to the health risks of a Biomass incinerator. Mayor Fretti stated that it was not addressing health risks but it was a statement on policy. Dr. Noll stated that was why he has been

before Council for a couple of months now. As it relates to Rev. Rose, he has also tried to get answers from the Mayor and Council as to their position on the Biomass Plant and he was not sure if everyone has been able to respond to him. Mayor Fretti stated that he was not sure if they had responded or not but that was up to each Council member if they wanted to contact Rev. Rose. Dr. Noll stated that it would be nice to have the response shared so that they will know where Council stands. Council does understand the severity of the situation. Dr. Noll stated that the sky is not falling but we are making a big mistake and we are not getting anywhere with the discussion. He will be back before Council every single time. Councilman Yost inquired as to whether the Wiregrass Activists for Clean Energy group feels that this Biomass Plant is coming or not or if they feel they can still stop it from coming. Dr. Noll stated that every indication is that the Industrial Authority, half of which is supported by the Mayor and Council in terms of the elected Board members, is moving ahead as scheduled which is a big mistake. Councilman Yost stated that what Dr. Noll and his group feels is that it is moving forward. Dr. Noll stated that they are assuming that it is because that is the indication they have received from statements made by Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority. As long as they have no solution to the problem of the Biomass incinerator they will be back and they will fight it even if it is here.

PUBLIC HEARINGS

ORDINANCE NO. 2011-2, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A SELF-STORAGE FACILITY IN A HIGHWAY-COMMERCIAL (C-H) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a self-storage facility in a Highway-Commercial (C-H) Zoning District as requested by the City of Valdosta (File No. CU-2011-01). The property is located at 3121 North Ashley Street. The Planning Commission reviewed this request at their January Regular Meeting and recommended approval with one condition (7-1 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that he wanted to provide the Mayor and Council with some background information for the record. Over the course of the past two years, the City of Valdosta has acquired and has been maintaining several properties for various purposes. These include the Georgia Department of Labor's Career Center, the Bennion properties on North Forrest Street immediately east of the Public Works Center, and a majority portion of the Five Points Shopping Center. Some of these properties came with existing tenants already leasing space and all of them have different lease terms and obligations which must be managed by the City. In order for the City to better fulfill its responsibilities to these tenants and meet all the requirements, it became necessary to secure the services of a property management firm for these multiple City properties. Earlier last year, a Request for Proposal (RFP) was sent out to property management firms throughout Valdosta. The City received three proposals in response. A Selection Committee was formed which consisted of Mark Barber, Deputy City Manager of Administration, and Mara Register, Assistant to the City Manager. The three proposals were scored based on criteria that were developed as part of the RFP process. These criteria included the fee to be charged, the services to be provided, references, experience, scope of work to be performed, and the overall ability and resources of the firm to meet the requirements of the RFP. An outside independent real estate professional also reviewed the proposals. He was in concurrence with the Committee's recommendation of the Herndon Company to be selected as the City's property management firm. This recommendation was presented to the Mayor and City Council at their regular meeting on August 19, 2010. The Herndon Company was unanimously approved at that meeting. At that time, the City purchased the Five Points property and it was determined that the City would honor existing leases at Five Points for three years or until the year 2014. In addition, the City would attempt to generate income from short term leases to offset the future cost of demolition. This would serve to save taxpayers money by utilizing income from these leases to offset such costs. The Herndon Company was involved with structuring the lease agreement for Big Bin Storage to utilize the former Pic 'N Save building including vacant small store fronts immediately to the south. This is part of their responsibility as the City's property manager. It is also the Herndon Company's responsibility to seek viable tenants for any available space in any of the other City-owned properties. The commencement date of the lease for Big Bin Storage is November 15, 2010 and it expires April 15, 2014. This particular lease must expire no later than April, 2014 because the City must demolish the building in order to honor the terms of its agreement with the former Five Points property owner who agreed to allow a demolition easement until that time. The lease for these properties is structured in such a way that the City would experience no cost for any improvements made to the site. The tenant is responsible for all utilities as well. In summary, the building is a large unimproved box with a concrete slab and

four outside walls with very limited use potential. It has been vacant for many years and without such a lease agreement, the building would remain unoccupied without generating any extra revenue to help offset the City's future redevelop costs for the Five Points property.

The City of Valdosta is requesting a Conditional Use Permit (CUP) to allow a self-storage facility within a Highway-Commercial (C-H) Zoning District as well as the Urban Commercial Corridor Overlay District (UCCOD). The property consists of approximately 22.7 acres and is located at 3121 North Ashley Street which is within the Five Points shopping center. The property is located within a Community Activity Center Character Area on the Future Development Map of the Comprehensive Plan, and is within the UCCOD. The Conditional Use request is required because of the existing highly commercial zoning and also the UCCOD which requires Conditional Use approval for a self-storage facility or a mini warehouse. They are proposing to utilize the existing building which is approximately 60,000 square feet and to lease storage spaces within the building for boats, campers, and other vehicles. The ingress/egress to the building will be through a large roll-up door near the loading dock area on the rear side of the building. The lessee is proposing to clean-up the front of the building and install a wall sign, but there will be no other physical changes to the building except for the roll-up door in the rear. The lessee will occupy the building for approximately three years before it is demolished by the City in preparation for the complete redevelopment of the Five Points site. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following condition: (1) Self-storage areas shall be limited to the interior of the existing building and remain subject to the terms of the lease agreement and other requirements of the City of Valdosta. The Planning Commission reviewed this at their January 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following condition (7-1 vote): (1) Self-storage areas shall be limited to the interior of the existing building and remain subject to the terms of the lease agreement and other requirements of the City of Valdosta.

A.D. Holt, 5 Plantation Circle, and Mike Hill spoke in favor of the request. Mr. Holt stated that he and Mike Hill were involved with the Big Bin Storage project. Mr. Holt has been at Five Points for approximately six years and is located at Speedy Lube. There is also an insurance firm in the same building with him, and he does pay lease money to the City of Valdosta at the present time. Mr. Holt thanked the City for purchasing the Five Points property because it has been a blight on the City for many years due to the reluctance of the owners to make improvements. The parcel that has been purchased by the City involves him and Big Lots and if anyone has a complaint with what went on it would be him; however, he is totally in favor of it. The Mayor and City Manager have been very forward with him about what was transpiring well in advance of the purchase itself and what would happen in the future. Mr. Holt stated that Mike Hill approached him about renting the property where the old Pic N' Save was previously located for storage of large items such as boats and recreational vehicles (RVs). They looked at the building and did some investigating and envisioned what they could do with the building. It was conceivable that they could use it for large storage items even though the floor was not in very good shape. It also had a sprinkler system for protection of the items in storage. They were able to work out a lease with the Herndon Company and they came to the point where some conditional zoning was needed. There were some issues and misunderstandings that came up at the Planning Commission Meeting due to the lack of information mainly for the individuals who were concerned. They are not out there to compete with other storage businesses currently in town. They are limited to inside storage on large items that would come in there, such as boats and RVs, and they will have valet parking to put items in and out of the storage. There is a fenced area in the back where they can place vehicles or boats so that the renters can pick them up at various times. Mr. Holt stated that he called all of the storage people who were in the Yellow Pages prior to this and he did not find anyone who could handle the large items with the exception of one storage facility on Highway 84. They had one unit that was available at that time. They are not competing against anyone that is in the storage business at the present time and this would alleviate some problems by giving people a place to store their valuables.

Bart Greer, 3325 Plantation Drive, spoke in opposition to the request. Mr. Greer stated that he was the owner of Southeastern Records Management and there were a lot of things that bother him about the request. You are asking yourselves permission to change a Zoning Ordinance that you enacted to go into direct competition with people like him who stores documents. At the Planning Commission Meeting, he was told that Mr. Holt said that if someone came to him with a little bit of furniture he could not turn them down. This is not about boats and RVs, but it is about a City and private and public cooperation going into business in direct competition with people like

himself, Dan Davis, Mac Mackey, Wayne Fain, and others who are in the storage business at the present time. When talking about the lease income of \$700 per month, the fair market value of that square footage is \$12,000 per month which is what he would pay if he were in the storage business and occupying a business like that. It is unconscionable that a City Council can ask themselves to change their own Ordinances to go into direct competition with private business. They do not pay stormwater runoff fees, they have taken this property under threat of condemnation from the owners, and now they have taken \$20,000 of tax revenue off the tax rolls by owning the property and the City does not pay taxes on it. Who couldn't make a living in the storage business paying \$700/month in rent while he has to pay \$12,000 plus all the fees associated with it? Furthermore, there have been some improvements made to the property already without the proper permits. Now they have gone and back-dated some permits to install the doors. Mr. Greer stated that he did not begrudge Mr. Holt and Mr. Hill for what they are trying to do, but the City has the property and the citizens were told that an auditorium would be built there and now there is no money available so the City is trying to arrange something with a private business to put money back in there so it does not look so bad. If it was not funded and if the City is hoping for SPLOST money to build an auditorium, that is just wrong.

Dan Davis, 1001 Cherry Creek Drive, spoke in opposition to the request. Mr. Davis stated that he owns Davis Creations & Self-Storage located at 402 Murray Road. He does not have a problem with Mr. Holt because he is an excellent businessman and is well respected in the community. Mr. Davis stated that his problem is with the City of Valdosta. He is opposed to the zoning change to allow self-storage at Five Points. The City forced the owners of Five Points to sell the property against their will and the City has said the property is for a new City auditorium and not for the City to go into the property rental business. Mr. Davis stated that he did not mind competition and he welcomed it if the competition is fair and if the competitors have to get permits, have engineer stamped drawings, buy the property, build a building, pay taxes and insurance, and jump through all the hoops that every other storage building has to do with the City of Valdosta. That is not the case with this deal. This property rental was an inside deal from the start. It was never advertised in the newspaper as being for rent and the only thing that ran in the Valdosta Daily Times was the article in August, 2010 saying that the Herndon Company had been hired to manage the existing leases. There was no mention made that the Herndon Company was looking for tenants for the empty stores. The Herndon Company has never placed a "For Rent" sign on the property and they have never put "For Lease" signs in any of the windows. If the City really wanted to rent this in an open and above board manner they would have advertised it for rent and accepted bids. The City is giving the renters a ridiculously low price and he was told by Larry Hanson, City Manager, and Councilman Tim Carroll that it was \$500 per month but he has now found out it is \$700 per month which works out to be one penny per square foot. The property next to his business where Confetti and Lace used to be is being handled by Mike Hill and he is asking 1,000 times more per square foot for that building than the one penny per square foot they are getting this building for. The inside deal on this property gives them an unfair advantage over the rest of the storage business owners. They are paying a ridiculously low rent, they do not have to pay insurance on the building, and they are not paying any property taxes on the building since they do not own it. At the Planning Commission Meeting, Mr. Holt stated that if anyone wanted to store a table or sofa he could not refuse it. It would also be very easy for the renters to store pod systems and compete with other companies in the storage business. At the end of their lease, they could move their pods, boats, and RVs to another warehouse or the City might continue renting it to them if they do not have the funding to build a City auditorium. The renters could also put shelving in and have a place for document storage and move that at the end of the three-year lease. Since they are already remodeling the building even before the land use is approved, it is obvious that this is an inside done deal. Mayor and Council should have the decency to put a restriction on it so they could only store what they are claiming which is boats, RVs, and trucks. The City has a Uniform Land Use Code that prohibits self-storage at Five Points. They are asking to change their own Code so that they can partner with private developers who are competing with existing storage owners. Mr. Davis stated that under the City's same Code, he is prevented from purchasing the property across the street from his existing facility and expanding his self-storage facility; however, the City has no problem changing their Code so they can rent a building to someone for one penny per square foot. The going rate on commercial property in north Valdosta is \$10-\$20/square foot and not one penny per square foot. If the City is interested in spending millions of tax dollars to buy a building so they can rent it out for \$500 or \$700 per month, then he has several pieces he would be interested in and he would be glad to rent them for that amount. This deal is disgusting.

Ben Culpepper, 4338 Kilarney Circle, stated that he was also in the self-storage business and his taxes are approximately \$13,000 per year. It is expensive and costly and his biggest concern is that the gentlemen may end

up doing something other than the boat and RV storage. Mr. Culpepper asked that Council write in the language that would restrict anything other than boat, RV, and truck or car storage. There is one person in town who has several of those units that he uses that for and he is pretty much rented out now so there would be a little bit of impact on those that have self-storage if this could be written in. Mr. Culpepper stated that he did not want to rant and rave or insult anyone, but he does have his life invested in his storage facility which he started before times were bad. They are struggling just like all other industries and it would be very hard to absorb even 2-3% impact that would come from another storage facility being able to operate at extremely low costs and being able to undercut the market and collect a big portion of everyone's business. The easiest thing to do would be to make sure that they do not rent to anything but cars, trucks, boats, and RVs. Mr. Culpepper stated that he did not necessarily agree with the terms but he has heard enough to feel that it is an unlevel playing ground. The City should not be in a position to not limit or to flop one way or the other. If the provisions were included then that would protect those who are already invested and in position to have a loss from this. He has spoken with Mr. Holt but he is not certain and convincing that there would never be anything but boats and RVs. As a businessman he could understand about having some options but he did not feel good about it if nothing is done to protect the existing business people.

Mayor Fretti reminded Council that this is a decision that involves land use only and it has nothing to do with competition or a lot of things that were mentioned earlier. This is land use and co-existence and how this business might impact upon the neighbors. Councilman Yost inquired as to what the length of the current lease with the gentlemen in question is whether they actually stated that they would only accept storage for RVs, cars, trucks, and boats. Matt Martin stated that the lease expires in April, 2014 which coincides with the day that the City must demolish the buildings. Mayor Fretti inquired as to whether the lease could be canceled at any time with a 30-day notice. Larry Hanson, City Manager, stated that it could not be terminated and they could not terminate it. Matt Martin stated that as part of their request they intend to lease space for RVs and boats and things of that nature, but they are not bound to that unless Council makes that a condition. Councilman Yost inquired as to whether they were willing to accept that as a condition of approval and if the amount of rent that pay increase every year. Matt Martin stated that they would need to ask the gentlemen about the condition, and it was his understanding that there was no sliding scale for payment. Larry Hanson stated that the amount per month was \$700 and it was performance based or 25% of all gross above \$3,000. Mara Register, Assistant to the City Manager, stated that it was the same type of lease that the City has with Big Lots. Councilwoman White inquired as to what Big Lots was paying per square foot. Larry Hanson stated that he was not certain what Big Lots was paying but that was improved finished space versus unimproved unfinished space. Councilwoman White inquired as to whether those persons who were opposed to the request were against the City doing anything to receive money while the building sits there vacant and whether they would be adequately satisfied if they put a restriction on it for cars, trucks, boats and RVs. Mayor Fretti stated that he would have Matt Martin ask those who were for and against about the restriction and the first question was rhetorical. Councilman Carroll inquired as to whether it was uncommon for the City to acquire property for future use and during a certain period of time if there is an opportunity to generate revenue off of it to do so. Larry Hanson stated that it was not uncommon and if you wait until you have an absolute immediate need then you have waited too long. This was a goal of Council and it was on the SPLOST referendum to acquire property for a new Performing Arts type center. At the time it was acquired it was stated specifically prior to the acquisition that there were would not be money build it at that time until a future SPLOST. One of the driving forces behind this is the need for the regional medical center to grow because they are landlocked as well and have long sought the acquisition of Mathis Auditorium. Councilman Carroll inquired as to whether they were in a position to tell existing tenants or future applicants that may have a lease offer through the Herndon Company that the City is not going to lease any future properties for the time being. Larry Hanson stated that they are going to lease the property at this time since it has been vacant for 20 years so obviously there was not a big market demand for leasing it. The property is in very poor condition and does not warrant market rates. Councilwoman White stated that she did not feel her question was rhetorical and she was in favor of the City recouping any money that we can while we have property especially in today's economy; however, she is sensitive to the business owners that felt like they would be compromised with a better deal than what she could go out and do. Councilwoman White inquired as to whether the applicants were willing to accept the restriction of boats, RVs, cars and trucks. Matt Martin stated that he spoke with the applicants and they were not agreeable to any additional conditions on the approval. Councilman Wright inquired as to whether they were looking at changing the zoning on all of the property or just the City property. Larry Hanson stated that the City did not change the zoning on the property and the only issue they had to deal with was inheriting existing leases

that they had to honor or re-negotiate so that is what they have tried to do. Councilman Yost inquired about the stormwater fees. Larry Hanson stated that all property owners in the City are required to pay a stormwater utility fee and that would include the City. Councilwoman White inquired as to whether any of the Codes that we have, such as fire and occupational, would restrict beyond what the perceived storage would be so that there is no opportunity for furniture. Matt Martin stated that they have to follow all of the Building and Fire Codes and they would not be restricted as to what they store as long as they are still subject to other laws. An example of that would be the storage of hazardous materials, fuel tanks inside a building, and other regulated types of items. With the Conditional Use Permit, there would be flexibility to impose conditions of approval and it is limited in that regard. There has been some discussion that this was a zoning change and that we are changing our Ordinances but that is not what we are doing. This is for a Conditional Use approval and the zoning on the property is C-H and that remains intact along with all the regulations that pertain to it.

A MOTION was made by Councilman Carroll to approve the request subject to the following conditions: (1) The self-storage areas shall be limited to the interior of the existing building and remain subject to the terms of the lease agreement and other requirements of the City of Valdosta, and (2) The primary purpose of the facility shall be for storage of large items such as boats, RVs, and trailers, etc. Councilman Vickers seconded the motion. Councilman Wright stated that he understood about land use and that was what they should only consider but he wanted to remind Council that when they did the zoning on Oak Street for the doctor's building it was zoned properly and in the right area; however, they made it a point to get him to look at how it would affect the surroundings and communities in that area. This is the same type of situation in that we need to look at how it will affect the businesses in the area. Councilman Yost stated that he wanted clarification on what was meant by a large item since tables and chairs are not large items and the smallest item that was listed could possibly be a 16 foot John boat, a paddle boat, or very small car. Councilman Carroll stated that he chose those words carefully in part because this same group, after they started paying a lease to the City of Valdosta, most graciously donated space for the Salvation Army to collect toys for the Toys for Tots Program, organize the toys, and then distribute them. If Council gets into not allowing them to do anything small then they are depriving potential benefit to a great charitable organization such as the Salvation Army. Councilman Yost stated that he understood but that had nothing to do with land use and he did not want to put Council in a position of having to defend something later when it is brought to their attention that they are storing a saucer and cup which is not a large item. The motion was adopted 4-2 with Councilman Wright and Councilman Norton voting in opposition to enact Ordinance No. 2011-2, an Ordinance for a Conditional Use Permit to allow a self-storage facility in a Highway-Commercial (C-H) Zoning District as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-3, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 3.59 acres from Single-Family Residential (R-21) County (1.65 acres) and Estate Agricultural (E-A) County (1.94 acres) to Mixed-Use Development (MXD) City as requested by Riverview Development (File No. VA-2011-01). The property is located along the west side of North Valdosta Road immediately behind Music Funeral Home. The Planning Commission reviewed this request at their January Regular Meeting and recommended approval with 10 conditions (8-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that Riverview Development, LLC, is requesting to rezone a total of approximately 3.59 acres from Single-Family Residential (R-21) County (1.65 acres) and Estate Agricultural (E-A) County (1.94 acres) to all Mixed-Use Development (MXD) City. This request is running concurrently with the annexation request File No. VA-2011-02. The property is located along the west side of North Valdosta Road immediately behind the Music Funeral Home property. It is also adjacent to the Withlacoochee River floodplain and Langdale Park. The property is currently vacant and the applicant is proposing a planned mixed-use development consisting of professional offices, retail, and perhaps some apartment dwellings. The property is located within both the Neighborhood Activity Center and the Parks/Recreation/Conservation (PRC) Character Areas on the Future Development Map of the Comprehensive Plan. The PRC Character Area corresponds with the 100-year floodplain. MXD zoning is eligible in both of these Character Areas. The applicant is proposing a mixed-use form of development on a parcel of land that is highly irregular in shape and dimensions. Although the applicant's proposal is not a typical scenario in terms of the intent of an MXD zoning request, it is the

only practical course of action to obtain approval of such a development on this property. The applicant is proposing a total of approximately 50,000 square feet of new building space, mainly in the form of 2-story buildings. Proposed uses are primarily professional offices but the development would also include some commercial uses and/or some multi-family uses in the upper floor of the buildings. MXD zoning requires that at least 20% of the development consist of a secondary use category. The applicant does not yet have a specific range or quantity of other uses in mind, but is seeking a flexible MXD approval in order to allow market forces to eventually dictate the exact land use mix. The total magnitude of the development will be limited by the site's ability to provide adequate parking for the proposed uses. The development will also be limited by the applicant's proposal to fill a small portion of the 100-year floodplain, which must be approved by FEMA through a separate and lengthy process. In this location, Staff is supportive of a mixed-use development; however, because of the irregularly shaped property, Staff is reviewing the request with an air of flexibility in terms of specific MXD development standards so long as the spirit and intent of MXD zoning is followed. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power and recommended approval with the following conditions: (1) Development of the property shall be limited to a maximum total of 50,000 square feet for all buildings combined, and shall generally adhere to the approved conceptual layout plan as prescribed by the LDR. Approval shall include specific minor deviations from LDR requirements for building setbacks and transitional buffers in accordance with the approved layout plan. (2) Before obtaining any site development permits, all existing parcels shall be combined into one parcel. All buildings shall be maintained under common ownership or otherwise sold/leased as condominium spaces or building pads with uniform architectural guidelines and oversight. (3) No more than 25% of the development building square footage shall be allowed for commercial retail use. Buildings "B" through "F2" as depicted on the plan shall be restricted to office or residential use only. (4) Overall parking for the development shall be calculated and maintained at a minimum of 3 spaces per 1,000 square feet building gross floor area, unless a smaller minimum amount is dictated by a less-intensive mixture of development as determined by the Zoning Administrator. (5) Buildings "B" through "E" shall be subject to FEMA approval (LOMR-F) of filling in the proposed portion of the Withlacoochee floodplain. (6) At the time of construction for each building in the development, the ground finished floor elevation of each building shall be at least 136', or at an elevation 1' above FEMA's 100-year flood elevation for the property at the time of construction, whichever is greater. FFE for each building shall be approved by the City Engineer. (7) Access to the site from North Valdosta Road shall be provided in the form of a shared driveway and joint access easement with Music Funeral Home. Intersection improvements, including accel/decel lanes, shall be provided on North Valdosta Road as required by GDOT. (8) Southern and western property lines abutting the current R-21 zoned property shall include the installation of a 6' tall opaque privacy fence or wall, and perimeter landscaping as required by LDR Chapter 328. (9) In lieu of MXD signage provisions described in LDR Section 230-9(D)(5), freestanding signs for the development shall be limited to one sign, which may be a multi-tenant sign, at the North Valdosta Road entrance not to exceed a total of 100 square feet in sign area and a maximum height of 24 feet. All other signage for the development shall be in accordance with the same provisions as multi-tenant development in O-P zoning. (10) Development of the project shall commence within 2 years after FEMA's decision of the requested LOMR, and be completed within 10 years from the date of issuance of the first building permit. The Planning Commission reviewed this at their January 31, 2011 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval subject to the ten conditions as recommended by Staff (8-0 vote). Councilman Yost stated that the Valdosta Daily Times had written an article about this request and had stated that they would need to go through FEMA to get anything approved for possible flooding on this property and maybe he missed something. Matt Martin stated that this is a voluntary annexation and the property owner petitioned the City to be annexed. The City is not obligated to take them into the City and has the right to say no. Mayor Fretti stated that the County Board of Commissioners had an opportunity to oppose this annexation and there was no objection within the time period so this is taking the City from the County and the taxes remain at the same millage rate and with the improved nature the County will make more money off of this in the tax digest. We are a City within the County of Lowndes and we do not take property from the County. Matt Martin stated that the vast majority of this property is outside of the 100-year flood plain and any development within the 100-year flood plain is subject to rules that go with the flood plain which is overseen by FEMA and they must comply with their rules. The applicant has stated that they are wishing to fill in a small portion of that area and elevate the buildings; however, they have to get FEMA approval to do that. The City does have an interlocal agreement with Lowndes County and pursuant to State law we must notify the County in writing and we have done that. The County responded and they have no objection. Larry Hanson inquired as to how many feet it will need to be built above the flood plain. Matt Martin stated that it would be a few feet to elevate the pads around the building and would have to be at least 3 feet above the 133 foot contour. The river channel is approximately 1,000 feet from this location.

Guy Daughtry, 1955 Cranford Sumner Road, Lenox, spoke in favor of the request. Mr. Daughtry stated that he purchased the property with the intention of building a high end office park. Mr. Daughtry asked Council's consideration in approving the request.

Bill Nijem, 209 East Alden Avenue, and Clayton Milligan, 3998 Inner Perimeter Road, spoke in favor of the request. Mr. Nijem stated that they represented Mr. Daughtry and he was in complete agreement with the conditions with one caveat. Condition (8) requires a six foot fence to be built on the southern and western property lines and Mr. Nijem asked that the applicant not be required to put the fence up at this time. It is woods surrounding the property and they would rather place the fence up at a later date adjacent to the southern and western side of the development. This is the first MXD rezoning the City has had and they have been working on it for six months. Mr. Nijem asked Council's consideration in approving the request. Mayor Fretti inquired as to whether the fence was a variance because it cut the buffering in half. The fence would not be needed if the buffering is wider. Mr. Nijem is asking that the buffer be cut in half which requires a fence but delay on the fence. Mr. Nijem stated that the tenants in the buildings would much rather look at the natural vegetation in the back than a fence and if there is a reason to put the fence up in the future they are willing to do that. George Talley, City Attorney, stated that Mr. Nijem is asking that the fence not be installed until development. Matt Martin stated that the general landscaping provisions in the Land Development Regulations (LDR) allow you to reduce it by 50% in width if you put a fence in. The MXD provisions in the LDR make no such allowance. Staff has no problem with what they are suggesting and that is a fence be installed along those borders if residential development occurs next door.

Roy Taylor, 2209 Bridlewood Drive, stated that this property is within 500 yards of his home that he built 36 years ago and he commended the applicant for purchasing the property and cleaning it up. Mr. Taylor asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION was made by Councilman Carroll to rezone 3.59 acres from Single-Family Residential (R-21) County (1.65 acres) and Estate Agricultural (E-A) County (1.94 acres) to Mixed-Use Development (MXD) City as requested by Riverview Development with the ten conditions brought forward from the Planning Commission with an exception to Item (8) as it relates to the fence and that the construction of the fence take place as needed when the adjoining properties were developed. Councilwoman White seconded the motion. Larry Hanson stated that he thought the fence would be installed if the adjoining property was residential. Mayor Fretti stated that it would be needed as residential and not needed if commercial. Matt Martin stated that it would be clearer to Staff if the word "residential" was inserted in case there are changes in regulations in regard to use. Councilman Carroll and Councilwoman White were in agreement. The motion was unanimously adopted (6-0) to enact Ordinance No. 2011-3, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-4, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 5

Consideration of an Ordinance to annex a total of 3.59 acres as requested by Riverview Development (File No. VA-2011-02). The property is located along the west side of North Valdosta Road immediately behind Music Funeral Home. The Planning Commission reviewed this request at their January Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that this was the annexation portion of the request for property located along the west side of North Valdosta Road immediately behind Music Funeral Home. The annexation was requested by the applicant. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their January 31, 2011 meeting, found it consistent with the Comprehensive Plan, 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 Carroll, seconded by Councilwoman White, was unanimously adopted (6-0) to enact Ordinance No. 2011-4, an Ordinance to annex a total of 3.59 acres as requested by Riverview Development, the complete text of which will be found in Ordinance Book XII.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS WITHDRAWN

Consideration of Ordinance to rezone 1.74 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-M) to establish apartments as requested by Kurt Lamon (File No. VA-2011-03). The property is located at 1504 Azalea Drive, 403 and 405 Pinetree Road, and 406 Baytree Road. This case was not heard by the Greater Lowndes Planning Commission at their January Regular Meeting due to the Applicant withdrawing the request.

Mayor Fretti stated that the applicant has withdrawn this request.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS POSTPONED

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Appendix J as requested by the City of Valdosta (File No. VA-2011-04). The Planning Commission reviewed this request at their January Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that there has been some discussion and issues raised about the ability for the City to enforce some of the proposed language that is in the proposed Text Amendment. It has been suggested that the City table this item for two weeks until the next regular Council Meeting to allow some possible changes to the language. There would be no requirement to re-advertise if tabled for two weeks. Mayor Fretti entertained a motion to postpone for two weeks.

A **MOTION** by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (6-0) to postpone the request for Text Amendments to the Land Development Regulations (LDR) for Appendix J as requested by the City of Valdosta until the February 24, 2011 regular Council Meeting.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2011-5, AN ORDINANCE TO ESTABLISH QUALIFYING FEES AND DATES FOR THE 2011 CITY OF VALDOSTA MUNICIPAL ELECTIONS

Consideration of an Ordinance to establish qualifying fees and dates for the 2011 City of Valdosta municipal elections.

Mark Barber, Deputy City Manager of Administration, stated that according to Georgia Code 21-2-131(a)(1)(A), the governing authority of any county or municipality shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election no later than February 1st of any year in which a general primary, non-partisan election, or general election is to be held, and at least 35 days prior to the special primary or election. The appropriate advertisement ran in the Valdosta Daily Times on January 30 and 31, 2011. The Districts to be considered for the election are Mayor, Districts 1, 3, 5, and 7 (At Large) and the School Board Districts 4, 5, and 6. The qualifying fees are as follows: (1) Mayor - \$750, (2) City Council Districts - \$465, (3) School Board - \$35. The fees for Mayor and Council are based upon 3% of the compensation for that position for the past 12 months. The qualifying dates for this election will be August 29, 2011 through September 2, 2011. The City has contracted with the Lowndes County Board of Elections to assist with conducting the election. Their services include qualifying of candidates, training poll workers, placing required ads, and other duties as may be required to conduct the November 8, 2011 municipal election. The budget amount to be requested is \$50,000, and due to the number of posts up for election and past history, a run-off is highly probable. Mark Barber recommended that Council approve the Ordinance to establish qualifying fees and dates for the 2011 City of Valdosta municipal elections.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2011-5, an Ordinance to establish qualifying fees and dates for the 2011 City of Valdosta municipal elections, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2011-3, A RESOLUTION FOR AUTHORIZING THE FILING OF AN APPLICATION FOR A DOWNTOWN DEVELOPMENT REVOLVING LOAN FUND (DDRLF)

Consideration of a Resolution authorizing the filing of an application for a Downtown Development Revolving Loan Fund (DDRLF) for the acquisition and rehabilitation of 101-103 North Ashley Street by MIRO Investments, LLC and its affiliate, CJB Industries, Inc.

Mara Register, Assistant to the City Manager, stated that this is a Resolution of support authorizing the filing of an application to the Georgia Department of Community Affairs for the Downtown Development Revolving Loan Fund (DDRLF) for the acquisition and rehabilitation of 101-103 North Ashley Street by MIRO Investments, LLC and its affiliate, CJB Industries, Inc. The building and adjacent vacant property has been vacant for a long period of time. It is in good structural condition and is in need of acquisition and rehabilitation. The project consists of two parcels, one containing a two-story building that is 7,200 square feet in size and an adjacent smaller parcel that is vacant. The developer, MIRO Investments, LLC and its affiliate, CJB Industries, Inc., is proposing to acquire and rehabilitate the two-story building and land located at 101-103 North Ashley Street. The property will house the corporate headquarters for CJB Industries, Inc. on the second floor of the structure and provide a rehabilitated first floor space for lease with the adjacent vacant parcel to the north. The applicant is requesting support of the Initial Project Assessment (IPA), as attached, to be submitted to the Georgia Department of Community Affairs and the Georgia Municipal Association for application to the Downtown Development Revolving Loan Fund (DDRLF) and/or the Georgia Cities Foundation (GCF). The developer also proposes to utilize the incentives available through the Historic Preservation Tax Credits for the actual rehabilitation of the structure. If approved by the Mayor and City Council, the IPA will be presented to the Central Valdosta Development Authority (CVDA) for action at their regular meeting on February 15, 2011. Mara Register recommended that Council approve the Resolution.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (6-0) to enact Resolution No. 2011-3, a Resolution authorizing the filing of an application for a Downtown Development Revolving Loan Fund (DDRLF) for the acquisition and rehabilitation of 101-103 North Ashley Street by MIRO Investments, LLC and its affiliate, CJB Industries, Inc., the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Mayor Fretti stated that Agenda Items 7(a) through 7(c) all dealt with bids and if Council so chooses they could take these items in the form of a Consent Agenda; however, the Purchasing Agent, Greg Brown, would make a presentation on each.

Consideration of bids for water treatment chemicals for the Utilities Department (Bid No. 10-10-11).

Greg Brown, Purchasing Agent, stated that the contract for water treatment chemicals is due to expire and the benefits of an annual contract are a fixed price for the contract and renewal period. This bid is for the chemicals needed to treat the drinking and waste water for the City and will be awarded to multiple vendors that quoted the best price for each chemical as no company provides all of the necessary chemicals. Sealed bids were received on January 18, 2011 and the recommended vendors and their prices are as follows: (1) Caustic - Key Chemical (1.543 per gallon), (2) Sulfuric Acid - Southern States (160.00 per ton), (3) Hydrofluosilic - Davis Supply (3.03 per gallon), (4) Liquid Oxygen - Air Gas (.5627 per 100 CF), (5) Salt - Morton (112.29 per ton), (6) F-35 Phosphate - Dumont Company (7.50 per gallon), (7) Chlorine (1 ton cyl) - Allied Universal (404.00/container), and (8) Sulfur Dioxide - Allied Universal (66.40/container). Greg Brown recommended that Council approve the bids for water treatment chemicals and allow the Utilities Department to proceed with the purchase.

Consideration of bids for an F-350 truck with a dump body for the Public Works Department (Bid No. 11-10-11).

Greg Brown, Purchasing Agent, stated that the current dump truck being used the Cemetery Staff needs to be replaced and is in the current year approved budget. The current truck is old and maintenance costs have risen over time. Sealed bids were received on January 18, 2011 with the low bid submitted by Langdale Ford in the amount of \$27,412. Greg Brown recommended that Council approve the low bid submitted by Langdale Ford in the amount of \$27,412 and allow the Public Works Department to proceed with the purchase.

Consideration of bids for an F-550 truck with work body for the Public Works Department (Bid No. 12-10-11).

Greg Brown, Purchasing Agent, stated that the Automotive Maintenance Center truck needs to be replaced and is in the current year approved budget. The funding of two trucks are being combined to purchase a heavy duty truck capable of providing roadside assistance to the fleet of large trucks currently being used. The work body will have tool boxes, a crane, and storage room for hand operated tools. Combining the two vehicles will save the City approximately \$17,000. Sealed bids were received on January 18, 2011 with the low bid submitted by Wade Ford the amount of \$63,824. Greg Brown recommended that Council approve the low bid submitted by Wade Ford in the amount of \$63,824 and allow the Public Works Department to proceed with the purchase.

A MOTION by Councilman Yost, seconded by Councilman Norton, was unanimously adopted (6-0) to approve Agenda Items 7(a) through 7(c) as presented by Greg Brown, Purchasing Agent.

Consideration of a request to approve the 2012 Southern Hospitality Group Workcamp Agreement.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta and co-sponsor Lowe's Distribution Center has hosted the Southern Hospitality Workcamp minor homeowner repair program since 2005. Due to limited registrations, a workcamp was not held in 2009, but the camp resumed in 2010. Since 2005, more than 200 owner occupied homes have been repaired in the Designated Revitalization Area. All workcamp co-sponsors are required to approve and execute an Application/Memorandum of Agreement in order to be considered as a host site. This document has been previously reviewed and approved by the City Attorney. The participants are housed at the Valdosta Middle School and the Valdosta City School System has already executed the 2012 Lodging Agreement for the camp. The co-sponsor cost to the City is \$9,500. Additional funds assist with hospitality and other incidental costs of the camp. Mara Register recommended that Council approve the 2012 Southern Hospitality Group Workcamp Agreement.

A MOTION by Councilman Wright, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the 2012 Southern Hospitality Group Workcamp Agreement.

LOCAL FUNDING AND REQUESTS

Consideration of a request to purchase an ad for the March, 2011 Edition of the Georgia Trend Magazine.

Larry Hanson, City Manager, stated that the March, 2011 edition of Georgia Trend will feature the Valdosta-Lowndes County Area. This is a national publication that will highlight the community. Featured communities have an opportunity to purchase ad space as part of the feature story. The Valdosta-Lowndes Conference Center and Tourism Authority is proposing to purchase a one-half page ad for \$5,202. The City has an opportunity to partner with the Authority for a cost share of \$2,601 for the ad which is being designed by Jimmy Holmes with H Two Marketing. The County was contacted to see if they would like to participate as well, and while they were thankful for the contact they were unable to participate at this time. This is an opportunity to highlight the community along with the feature article that will be in the March, 2011 edition of Georgia Trend. This request is for the \$2,601 to be provided out of the FY 2011 Mayor/Council Contingency Fund.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve a request to purchase an ad for the March, 2011 Edition of the Georgia Trend Magazine.

Consideration of a request to approve travel for Councilman James Wright to attend the Georgia Association of Black Elected Officials (GABEO) Winter Conference.

Larry Hanson, City Manager, stated that the Travel Policy allows certain events to be traveled to without approval while others must come before Council. Each year the Georgia Association of Black Elected Officials (GABEO), an Affiliate of the Southern Christian Leadership Conference, holds their Annual Winter Conference. This year the GABEO Annual Winter Conference and Leadership Summit 2 will be held on February 25-27, 2011 at the Ramada Inn Downtown in Macon, Georgia. Featured speakers will be Dr. Joseph Echols Lowery and Rev. Jesse Jackson. The cost of the full Conference/Convention Package is \$150 which covers all activities for one convention except accommodations. Councilman Wright has requested Council's approval to attend the GABEO Conference.

A **MOTION** was made by Councilman Vickers to approve travel for Councilman James Wright to attend the Georgia Association of Black Elected Officials (GABEO) Winter Conference. Councilman Norton seconded the motion. The motion was adopted (5-0-1) with Councilman Wright abstaining.

BOARD, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of an appointment to the Central Valdosta Development Authority/Downtown Development Authority.

Larry Hanson, City Manager, stated that the Central Valdosta Development Authority/Downtown Development Authority has one member, Joanne Griner, whose term expired on December 31, 2010. Ms. Griner does not wish to be reappointed. The applicants for consideration in no order of preference are: (1) James Blake - General Contractor, Arkad Enterprises, Inc., and (2) Wes Sewell - Photographer, Wes Sewell Photography.

Mayor Fretti asked for nominations. Councilwoman White placed in consideration the name of Wes Sewell. Councilman Vickers placed in consideration the name of James Blake. There being no other nominations, Mayor Fretti closed nominations. James Blake received two votes and Wes Sewell received three votes. There was one abstention. Wes Sewell was appointed to serve a term of two years on the Central Valdosta Development Authority/Downtown Development Authority.

Consideration of appointments to the Community Development Block Grant (CDBG) Advisory Committee.

Larry Hanson, City Manager, stated that the Community Development Block Grant (CDBG) Advisory Committee has three members, Mary Bryant, Henry Calhoun, and Bessie Evans, whose terms will expire on February 24, 2011. Ms. Bryant and Mr. Calhoun have expressed an interest in serving again and Ms. Evans does not wish to be reappointed. The applicants for consideration in no order of preference are: (1) Judline Bernadin - Case Manager, Lowndes Associated Ministries to People (LAMP), (2) Mary F. Bryant - Self Employed, Personal and Direct Support Specialist, (3) Henry Calhoun - Retired, (4) Kelly Strozier - Community Case Manager, South Georgia Partnership to End Homelessness, and (5) JaTaryia Thomas - Paralegal/Private Attorney Involvement Coordinator, Georgia Legal Services Program, Inc.

Mayor Fretti asked for nominations. For Position No. 1, Councilman Wright placed in consideration the name of Kelly Strozier. Councilwoman White placed in consideration the name of Mary Bryant. Mary Bryant received three votes and Kelly Strozier received three votes. Mayor Fretti broke the tie and voted for Kelly Strozier. Kelly Strozier was appointed to serve a term of four years on the Community Development Block Grant (CDBG) Advisory Committee.

Mayor Fretti asked for nominations. For Position No. 2, Councilwoman White placed in consideration the name of Mary Bryant. Councilman Wright placed in consideration the name of JaTaryia Thomas. JaTaryia Thomas received two votes and Mary Bryant received four votes. Mary Bryant was reappointed to serve a term of four years on the Community Development Block Grant (CDBG) Advisory Committee.

Mayor Fretti asked for nominations. For Position No. 3, Councilman Vickers placed in consideration the name of Henry Calhoun. There being no other nominations, Mayor Fretti closed nominations. Henry Calhoun was reappointed by acclamation to serve term of four years on the Community Development Block Grant (CDBG) Advisory Committee.

Consideration of an appointment to the Hospital Authority of Valdosta and Lowndes County.

Larry Hanson, City Manager, stated that the Hospital Authority of Valdosta and Lowndes County has one member, Bill Rountree, whose term expired on February 1, 2011. This appointment was not advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy due to a 1992 Consent Order which allows the Hospital Authority to submit three names for the City's consideration. The Authority has recommended that Bill Rountree be reappointed and Mr. Rountree has agreed to serve again if selected for reappointment. The applicants submitted by the Hospital Authority for consideration are: (1) Dutton M. Miller, Sr. - Owner, Miller Hardware, (2) Thomas D. Newbern - Chairman of Board/CEO/President, First Federal Savings & Loan, and (3) Bill Rountree - CEO, Rountree Construction.

Mayor Fretti asked for nominations. Councilman Vickers placed in consideration the name of Bill Rountree. Councilman Yost placed in consideration the name of Thomas Newbern. Councilman Carroll placed in consideration the name of Dutton Miller. Mayor Fretti closed nominations. Dutton Miller received one vote, Thomas Newbern received one vote, and Bill Rountree received four votes. Bill Rountree was reappointed to serve a term of five years on the Hospital Authority of Valdosta and Lowndes County.

Consideration of appointments to the Valdosta Historic Preservation Commission.

Larry Hanson, City Manager, stated that the Valdosta Historic Preservation Commission has two members, Harry Hamm and King Smith, whose terms will expire on February 13, 2011. Mr. Hamm and Mr. Smith have expressed an interest in being reappointed. The applicants for consideration in no order of preference, and their applications are attached for your review: (1) Harry A. Hamm - Executive Director, LARC, (2) Sally S. Kurrie - English Teacher, Lanier County Board of Education, and (3) King Smith - Architect, ERA Architects.

Mayor Fretti asked for nominations. For Position No. 1, Councilman Carroll placed in consideration the name of Harry Hamm. There being no other nominations, Mayor Fretti closed nominations. Harry Hamm was reappointed by acclamation to serve a term of three years on the Valdosta Historic Preservation Commission.

Mayor Fretti asked for nominations. For Position No. 2, Councilman Carroll placed in consideration the name of King Smith. There being no other nominations, Mayor Fretti closed nominations. King Smith was reappointed by acclamation to serve a term of three years on the Valdosta Historic Preservation Commission.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Bird Supper will be held on February 16, 2011 at The Depot in Atlanta. Also, the annual Arbor Day Celebration will be held on February 18, 2011 at 10:00 a.m. at S. L. Mason Elementary School. The significance of this year's event is that Valdosta will receive designation as Tree City U.S.A. for the 25th consecutive year. There are only three cities in Georgia who have ever received the designation for 25 years.

The Valdosta Police Department will be working toward their upcoming CALEA re-accreditation and will have an on-site visit in April, 2011. They have recently brought in three experienced and tough assessors to complete a mock assessment which went extremely well.

The Country Club Road Project is a little more than what was anticipated and the road will not be reopened tomorrow. There was a manhole 22 feet deep which had eroded and then they discovered some stormwater pipe that had separated so that will have to be replaced over the next several days. Pat Collins, City Engineer, will be working with the contractor tomorrow morning to get a definitive timeline but it looks like it will be early next week before the culvert and pipes will be replaced.

Georgia Power completed a transformer replacement at the Withlacoochee Wastewater Treatment Plant and it went very well. Also, the Mud Creek Expansion Project is on schedule and there will be a Ribbon Cutting Ceremony in the near future. This expansion is currently running approximately \$3 million under budget. The next

part of that project, the biosolids and outfall, will go out for bid soon. The new 30” transmission line is nearly complete and needs testing and chlorinating. The City currently has one line so this was an important project to have a second primary line from the Plant back to town.

The Cherry Creek Project is virtually finished and there are some minor punch list items and some final payments that need to be taken care of.

A void was discovered in a Troup Street culvert today which caused a road closure between Milton Street and New Hudson Street. Repairs are currently being made and the road is expected to be re-opened tomorrow.

COUNCIL COMMENTS

Councilman Vickers inquired about the emergency measures that have been put in place to avoid another water outage. Larry Hanson stated that City Staff, Georgia Power representatives, and equipment manufacturers, especially the switching device manufacturer, have had multiple meetings to look at things that can be done in the future to avoid a circumstance like that. The Plant’s equipment actually operated correctly and it sensed a shortage and surges and would not allow the power to convert. Had it done so, we would have suffered severe and expensive damage to the Plant. Georgia Power will be providing a recommendation of things that they can do as well as the equipment manufacturer to retrofit the switching device where it could still allow some power to go through it in the event that we have a similar situation. Even though we have backup coverage, we will have a backup to the backup going forward which will be Georgia Power putting in an additional line. There was a bypass line installed the day of the water outage on top of the ground that solved the problem and part of the solution will be to make that a permanent bypass.

Councilman Carroll thanked the Lowndes Youth Leadership group and the Valdosta State University Journalism students for their attendance at the Council Meeting.

ADJOURNMENT

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the February 10, 2011 meeting of the Valdosta City Council at 8:00 p.m. to meet again in regular session on Thursday, February 24, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta