

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, FEBRUARY 19, 2009  
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: Tim Carroll, Willie Head, Jr., John Eunice, Robert Yost, and James Wright. Councilman Sonny Vickers and Councilman Alvin Payton, Jr. arrived at 5:35 p.m. The invocation was given by Councilman Willie Head, followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

The minutes of the February 5, 2009 Regular Meeting were approved by unanimous consent (7-0) of the Council.

**CITIZENS TO BE HEARD**

Cora L. Pugh, 406 Mildred Street, stated that she was concerned about her property. In 1965 Ms. Pugh and her husband bought the property and lived in a little house on the property for several years until they built a house in the back yard. In later years, they bought a piece of property from Ms. Susan Hatcher so they could put a ramp on the property for Mr. Pugh who had lost his legs. Ms. Pugh stated that 30 years later she could not get a deed to her property. Someone owns her, her house, and everything she owns. Her husband died in 2002 and she paid the house off in 2004. She had two lights placed in the back yard by Georgia Power. She called them to change a bulb and someone cancelled it. She has called to have work done on her house and someone cancels it. In the past the City was entrusted to buy the property and they even sent out a letter requesting permission to have an appraisal done on the property. Ms. Pugh stated that she does not know whether the City went ahead and took the property or if the County took it or who owns the property. There is a deed at the Lowndes County Courthouse with her children's name on it but the description is a little house next door. Ms. Pugh stated that she could not get a deed for her house at 406 Mildred Street. In 1974, Ms. Pugh and her husband rented some property from Mr. Walter Altman at 1409 Old Statenville Road. In 1978, they purchased the property and worked day and night from 1974 until 1992 because he had lost both legs. That property has now been assumed by someone else. Ms. Pugh stated that she has the pay off on the property but cannot get repairs done on it or even get a work order for it. She is still drawing some income from it but no one will tell her who owns it. Mr. Altman died in 1981 and they assumed the loan which covered all of the Plat 8229, Deed No. 297274, Willie and Cora L. Pugh. No one will give her any information about who is controlling and selling off property. A deed has been placed in her children's name but that deed already has someone else on it. All of the other property has had her or her husband's name removed. After Ms. Pugh paid off the house at 406 Mildred Street in 2004, she received a tax receipt that said it was a life estate. Ms. Pugh was told that the description and deed did not match 406 Mildred Street and she would like to know who has taken her property and who is controlling it. Larry Hanson, City Manager, stated that approximately five or six years ago an appraisal was done because Reames Construction was interested in purchasing some of the homes on that street so the City worked with them in getting appraisals. Ms. Pugh stated that when her husband died they had an attorney and she had asked him about reading the will and was told there was no need to read it. Larry Hanson stated that the appropriate thing to do would be to have Ms. Pugh meet with the City Attorney and try to resolve the dilemma. This may be a private real estate matter but the City Attorney could help point Ms. Pugh in the right direction. Councilman Wright inquired as to where Ms. Pugh went to get a work order. Ms. Pugh stated that two years ago she spoke with Richard Joyner and the City had a program where people over the age of 62 could get home repairs done free of charge. Mr. Joyner looked at her house and told her that he would put her on the list because she would have to be approved. Ms. Pugh stated that she noticed several people on her street having work done on their houses so she went to Mr. Joyner to find out the status of her house and was told that he was not in charge of that program anymore and that she was not on the list because she had to have a deed. Mayor Fretti stated that the City would help Ms. Pugh and have Mara Register, Assistant to the City Manger, assist her with the problem.

George Boston Rhynes, 5004 Oak Drive, stated that he knows three other people in the community whose property is tied up in such a way and they are so upset he was afraid they were going to hurt someone. Mr. Rhynes inquired as to who he could refer them to because they keep calling him about the situation. They do not have the money to get an attorney to research the problem. Mayor Fretti stated that Georgia Legal Services could assist them with their problem.

Ken Klanicki, 2208 Jerry Jones Drive, stated that he has been out of the loop with City government over the past 15 years but has recently decided to get re-involved. He has no complaints with the City and knows most of the City Councilmen. He has had some dealings with the local Police and has found them to be very competent, well trained, and highly professional. Mr. Klanicki stated that he was concerned about the new ordinance where vehicles that are parked on private lawns will now be warned and at some point will be cited. He lives in a part of town that has seen an onslaught of Valdosta State University students and many older properties in well established neighborhoods have many vehicles that are parked on driveways and lawns. He has been photographing some of these vehicles from the street and it is hard to enforce whether there are more than three residents living there; however, he could count more than three vehicles and has often seen five or six. There are some Councilmen who would not want to see this ordinance enforced in their district and there are different standards within different districts but they are quite concerned within the northwest part of town.

Lindsay Mobley, 509 J. L. Lomax Drive, stated that now on the world stage we see that maybe reform and change is needed. Mr. Mobley inquired as to whether we look at the makeup of the City of Valdosta regarding minorities representing the City. He is a business owner and pays taxes just as the larger contractors do. He has heard about the Small Emerging Business Program and was concerned about whether there were any measures other than those implemented by the State. Mr. Mobley inquired as to what the City was looking at from a business perspective as to minorities and if they felt that there was any disparity in the economic impact that these businesses are taking home to their families and communities versus the larger contractors. Mr. Mobley stated that he felt there was some change needed in the way policies were being governed.

## **OLD BUSINESS**

Consideration of a non-exclusive wrecker service contract to provide wrecker service within the City Limits. Mayor/Council postponed the request at the December 11, 2008 regular meeting until the first Council meeting in February. (Request postponement until March 5, 2009.)

Mayor Fretti stated that they were not able to meet with the wrecker companies soon enough so it was not on the City Council Agenda in February and the best way to handle the postponement of an item to a date certain was to place it under Old Business.

Larry Hanson, City Manager, stated that the wrecker service contract was not on the Agenda due to an oversight on his part and Council would have been asked to postpone the request at the first meeting in February because that meeting had not taken place. The meeting has since taken place and he met with the representatives from the wrecker companies along with Mayor Fretti and Chief Frank Simons. It was a productive meeting and a recommendation and proposal will be brought before Council at the first meeting in March. Larry Hanson recommended that Council postpone the request for a non-exclusive wrecker service contract until the March 5, 2009 Council Meeting. Councilman Payton stated that the wrecker companies had previously expressed concern about the fee structure and inquired as to whether there was a compromise. Mayor Fretti stated that they were very close to an understanding and Chief Simons would be preparing a revised contract to submit to the wrecker companies. Councilman Payton stated that accepting credit cards was another issue the wrecker companies had. Larry Hanson stated that they successfully negotiated that issue and they will bring an agreement before Council. The complaint the City had received was that the wrecker companies were taking only one form of payment which was cash only. After listening to the wrecker companies concerns about the cost for a credit card machine and having it electronically in the wreckers, they arrived at an agreement that the wrecker companies would accept two forms of payment, one of which must be a check (local and out of town) or a credit card. This was acceptable to the wrecker companies because some wanted to use credit cards and while others prefer checks due to their small business status. Councilman Wright inquired as to how the non-exclusive contract would work. Larry Hanson stated that there were two issues regarding wreckers and the reason this is a non-exclusive contract is that they are

on a City rotation for City calls. If there is an accident on the street and someone is either injured or has no wrecker preference, then there is a rotation. To be on the rotation, the wrecker company must meet all of the criteria which include liability insurance of certain limits, respond within 30 minutes, be located in the City, and have a storage facility within the City. This is an option and the wrecker company does not have to be on the rotation. The City is also currently looking at creating a Wrecker Ordinance that would regulate wrecker companies conducting business within the City of Valdosta whether it is private property or otherwise. Councilman Yost inquired as to why the City could not make this a bidding process like we do every other thing and make it an exclusive wrecker contract with one company. They would then have to adhere to the fee the City sets. In the County if you get your car towed it is \$120 and the normal towing is \$40 or \$50 so someone is making quite a bit of money. There have been complaints out of the 20 wrecker companies who are currently on the rotation that they are not making enough money and that is why they want to raise the rates. Larry Hanson stated that last year there were 1,600 accidents in the City and there may not be a wrecker company that could handle that call volume without putting aside all of their other business. Many of these companies also run a garage or automotive repair shop and the wrecker service is a piece of their business and not their sole business. Chief Simons has indicated in the past that the wrecker rotation would probably work with as few as ten wreckers and right now the City is probably at the maximum. Generally the market will regulate that because if they are only getting two or three calls a year then they will drop out if it is not economically productive for them.

**A MOTION** by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (7-0) to postpone the request for a non-exclusive wrecker service contract to provide wrecker service within the City Limits until the March 5, 2009 Council Meeting.

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

Consideration of bids for Phase 1 resurfacing of City streets using SPLOST VI funds.

Von Shipman, City Engineer, stated that a total of \$2.5 million is allocated for resurfacing under SPLOST VI. The first phase of resurfacing will include 20 streets throughout our community. Bids were received on February 3, 2009 with the low bid submitted by The Scruggs Company in the amount of \$650,276.63. The City Engineer's estimate (using revised asphalt unit prices) was \$650,000. If this same work was bid out last summer the cost of the project would have been at least \$750,000. Please note a significant amount of base repairs are needed and many of the streets will be milled prior to resurfacing. Also, two streets on the list were deleted due to City utility work that is planned this summer. South Lakeshore Drive from Cherry Creek Road to Ridge Road and Cherry Creek Drive from Cherry Creek Road to Ridge Road will be resurfaced after the utility work is finished under a separate contract. Von Shipman recommended that Council approve the low bid submitted by The Scruggs Company in the amount of \$650,276.63 plus a 10% contingency to handle unforeseen problems during construction.

**A MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (7-0) to follow the recommendation of the City Engineer and approve the low bid submitted by The Scruggs Company in the amount of \$650,276.63 plus a 10% contingency to handle unforeseen problems during construction for Phase 1 resurfacing of City streets using SPLOST VI funds.

Consideration of a contract for Phase 1 of the Stormwater Master Plan Update.

Von Shipman, City Engineer, stated that the original Stormwater Master Plan was approved by the City Council in 1996. Due to requirements imposed by the Federal and State government, the City will now have to meet standards for both water quantity and quality. Last December, the City Council approved the selection of Camp Dresser & McKee, Inc. (CDM) as the consultant who would help us create a new Master Plan with the understanding a contract would be brought back for consideration. Staff from the Engineering and Utility Departments met with CDM on numerous occasions to discuss the development of a contract document. It was decided that the contract would be split into two phases. Council will be asked to consider Phase 2 of this project after Phase 1 has been completed later this year. Von Shipman recommended that Council approve a contract with CDM in the amount of \$234,300 for Phase 1 of the Stormwater Master Plan Update using SPLOST VI funds. Larry Hanson inquired about the benchmarking and how that would work for future developments. Von Shipman stated

that they have selected 50 locations throughout the community which are strategically located and will benefit the acquisition of data necessary for Stormwater Master Plan. It is also necessary, as part of the Land Development Regulations, that all developers connect to one system that is on a State plain coordinate system so when they do as-builts it will be loaded directly into the GIS layer and all of the infrastructure and lots will be accurate. Currently a lot of surveyors use assumed information and elevations and this will help the City tremendously. At some point in the future it will need to be expanded but these benchmarks are well dispersed. Councilman Payton inquired as to what each benchmark represented. Von Shipman stated that it represents the location of a control marker or benchmark system that will be imbedded in the ground and contain numbers, names, and contact information if they were disturbed. This is very laborious to install these and takes a tremendous amount of survey work to ensure that they are accurate. Councilman Head inquired as to whether the Stormwater Master Plan along with others would be placed on the City's web site. Larry Hanson stated that we could create a document section on the web site to place the Master Plan documents there.

**A MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (7-0) to approve a contract with CDM in the amount of \$234,300 for Phase 1 of the Stormwater Master Plan Update using SPLOST VI funds.

Consideration of an Intergovernmental Agreement for Zoning Administration Services, Substandard Housing Enforcement, and Stormwater Plan Review between the City of Valdosta and the City of Hahira.

Larry Hanson, City Manager, stated that the proposed Intergovernmental Agreement sets forth the following services to be administered by the City of Valdosta for the City of Hahira: (1) zoning administration functions through the Zoning Administration Division, (2) substandard housing enforcement through the Community Protection Division, and (3) stormwater plan review through the City of Valdosta Engineering Department. The officials from the City of Hahira approached the City some months back to consider providing assistance to their community in the area of substandard housing enforcement and stormwater plan review. We have previously provided substandard housing enforcement for the City of Hahira several years ago, but that Agreement has lapsed. The City of Valdosta already provides zoning administration services to Hahira under a current Agreement. Staff felt it would be more efficient to set forth all services in one Agreement, with the addition of the stormwater plan review services. The City of Hahira approached the City of Valdosta to provide these services to them as it is much more economical and efficient since we already have these professional services in place. The fees for the proposed services set forth in the Agreement are as follows: (1) the Zoning Administration Division shall charge and collect fees based on the current zoning request and subdivision fee schedule of the City of Valdosta, (2) the fee charged for substandard housing enforcement will be \$20 per hour, and (3) the fee charged for stormwater plan review shall be \$300 for plans covering one acre or less and \$100 for each additional acre or part thereof. Staff has reviewed all of the fee proposals and is confident that these amounts are fair to both parties involved. Also, the City Attorneys for both entities have also reviewed the proposed Agreement and made appropriate changes where needed. The City of Hahira has already approved the Agreement as written. Larry Hanson recommended that Council approve the request for an Intergovernmental Agreement for Zoning Administration Services, Substandard Housing Enforcement, and Stormwater Plan Review between the City of Valdosta and the City of Hahira.

**A MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to follow the recommendation of the City Manager and approve an Intergovernmental Agreement for Zoning Administration Services, Substandard Housing Enforcement, and Stormwater Plan Review between the City of Valdosta and the City of Hahira.

Consideration of an extension of the Commercial Lease Agreement between the City of Valdosta and the Valdosta Abundant Life Church of God.

Larry Hanson, City Manager, stated that the City executed a Commercial Lease Agreement with the Valdosta Abundant Life Church of God on January 16, 2008. The lease sets forth that the original term will expire on February 28, 2009 and allows for a rental rate increase to 150% if the Church is still in the facility at the expiration of the lease term. The City is currently using portions of the Church building for a Parks and Recreation Authority After School Program. Pastor Wayne Hughes of Abundant Life Church of God has requested an

extension of the existing lease under the same terms until June 1, 2009 because their new Church is not ready for occupancy. Their goal is to be in the new Church for Easter services. Larry Hanson recommended that the lease be extended under the existing terms until April 15, 2009 and then review it based on the status of the Church moving into their new facility on Knights Academy Road. It was further recommended that in the event that the Church facility is not completed and they seek an additional extension from April 15 to June 1, that extension should be approved with a 10% increase in rent. The Parks and Recreation Authority is proceeding with plans to renovate the building to house the Parks and Recreation Authority Department and they have hired Richard Hill & Associates to conduct a space allocation study and a planning study. They will also go through a process to determine how other areas of the building will be used. Councilman Yost inquired as to whether they could include in the motion that there is an automatic rollover of the lease for another 30 days if the new Church is not complete and include the 10% increase in rent as proposed by the City Manager. Larry Hanson stated that was his recommendation. Councilman Yost stated that he was not opposed to the 10% increase and wanted the lease to automatically rollover so that the City Manager could handle the issue. Larry Hanson stated that the Church is aware of his recommendation and they did not object to it.

**A MOTION** by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to follow the recommendation of the City Manager and approve the extension of the Commercial Lease Agreement between the City of Valdosta and the Valdosta Abundant Life Church of God under the existing terms until April 15, 2009 and if an additional extension is requested from April 15 to June 1, then there would be a 10% increase in rent.

## LOCAL FUNDING AND REQUESTS

Consideration of a request to approve banking and treasury services for the City of Valdosta.

Mark Barber, Deputy City Manager of Administration, stated that it is recommended practice that a local government or agency disseminates a Request for Proposal (RFP) for banking and treasury services every five to seven years. The City last went through this process in 2000, and in an effort to stay within guidelines, an RFP was distributed at the end of 2008 to all banking institutions in Valdosta for these services. The following four banks responded: (1) Bank of America (the City's current provider), (2) BB&T, (3) First State Bank (Synovus), and (4) Regions Bank. The responses were reviewed and assigned scores by the City's Audit Committee which consisted of Mayor John Fretti, Councilman Tim Carroll, Larry Hanson, City Manager, and Mark Barber, Deputy City Manager of Administration, and Chuck Dinkins, Financial Services Manager. There were seven attributes scored by the panel that included earnings/cost, ability to meet service requirements, daylight overdrafts, availability schedule, electronic banking services, e-commerce, and references. Each of the banks was also invited to make a brief presentation that highlighted mandatory functions identified by City Staff. After an exhaustive competitive bid process, the City's Audit Committee recommended BB&T to perform banking and treasury services for a length of three years with the option of two additional three-year renewals (maximum term nine years). Councilman Vickers inquired as to whether they looked at the solvency of the banks. Mark Barber stated that they asked for the financial statements for each banking institution and they were comfortable with BB&T. Councilman Payton inquired as to whether BB&T would handle all of the banking needs for the City. Mark Barber stated that BB&T would handle all of the day-to-day operations such as payroll accounts and those types of services. Larry Hanson stated that BB&T would handle the City's day-to-day banking but there are other things such as investments that would be open for other banks. Councilman Carroll stated that they had some very productive meetings which allowed him to appreciate more what the City Staff does in dealing with banking institutions and he fully supported the recommendation of BB&T. Larry Hanson stated that it was a very difficult process because they were fortunate to have four good choices who all had strengths. All of the proposals were very good and the Committee chose the most qualified bank who offered the best product at the best price to the City.

**A MOTION** by Councilman Carroll, seconded by Councilman Head, was unanimously adopted (7-0) to approve BB&T to perform banking and treasury services for the City of Valdosta for a length of three years with the option of two additional three-year renewals (maximum term nine years).

Consideration of a request for local legislation for the purpose of redefining the boundaries of the City of Valdosta.

Larry Hanson, City Manager, stated that it is important to redefine the City's boundaries from time to time and the annexation of the islands several years ago dramatically changed the corporate limits of the City. There were some issues with the Tax Assessor's Office and other agencies as well as some coding errors. It is a challenge to have all of the information up-to-date but it is important to have an accurate, up-to-date legal description of the City. This will be done through an Act of the General Assembly. There will also be new GIS maps created and from this point on when there is an annexation which changes the boundary of the City it will be updated electronically to ensure that we will always have an accurate map in the future. Von Shipman, City Engineer, and William Sims of the Engineering Department spent a tremendous amount of time researching minutes and running down discrepancies to clear up some matters in legal descriptions that had been erroneous for 20 or 30 years. Representative Jay Shaw will introduce this as local legislation and it should pass the General Assembly with no opposition. Councilman Head inquired as to how the public would be notified. Larry Hanson stated that there would be new signage and maps provided. Councilman Wright inquired as to whether the changing of the City limit boundaries would have anything to do with the precinct changes. Larry Hanson stated that it did not. The Lowndes County Board of Elections is looking at reducing some precincts due to funding or efficiency reasons and it is not related to this. When there is a major annexation, it would trigger a mandatory redistricting and then they would have to look at precincts.

**A MOTION** by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (7-0) to approve the request for local legislation for the purpose of redefining the boundaries of the City of Valdosta.

Councilman Eunice left the meeting at 6:45 p.m.

### **CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that Valdosta has been selected as a Tree City U.S.A. for the 23<sup>rd</sup> consecutive year and there are only three cities in Georgia that have been a Tree City for 20 consecutive years. There will be an Arbor Day celebration tomorrow at 10:00 a.m. at the Valdosta City Schools Administrative offices on Williams Street and Council is invited to attend.

There will be several Transit Implementation Plan Public Meetings which will be held on February 23<sup>rd</sup> and 24<sup>th</sup> and March 2<sup>nd</sup> and 3<sup>rd</sup>. We need to have good participation from the community to give direction to the consultants on transportation and the public transit system.

Larry Hanson, City Manager, stated that the Mayor and Council Retreat packets will be distributed tomorrow or Monday. There will also be a Work Session next Tuesday, February 24, 2009 prior to the Retreat to review some of the transportation issues. Von Shipman, City Engineer, has been working on the Transportation Plan and would like to bring a series of recommendations to Council on transportation, sidewalk, ditch, and paving projects. Dinner will be served at 5:00 p.m. with the Work Session to begin at 5:30 p.m.

### **COUNCIL COMMENTS**

Councilman Vickers stated that he would like for the Mayor/Council Retreat to begin on Friday morning since it is being held closer to Valdosta this year so that they could eliminate the Sunday morning session. There was no objection from Council to move the time on Friday.

Councilman Head stated that he was interested in knowing how many unresolved homicides are in the City of Valdosta, when they occurred, and the individuals involved. Larry Hanson, City Manager, stated that he would provide the information to Councilman Head.

### **ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the February 19, 2009 meeting of the Valdosta City Council at 6:50 p.m. to meet again in regular session on Thursday, March 5, 2009.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta