

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, FEBRUARY 9, 2012  
COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Robert Yost, Deidra White, and James Wright. The invocation was given by Councilman Alvin Payton, Jr. followed by the Pledge of Allegiance to the American Flag. Mayor Gayle recognized the Lowndes Youth Leadership Group who was in attendance at the Council Meeting.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE FEBRUARY, 2012 EMPLOYEE OF THE MONTH AWARD**

Police Chief Frank Simons presented the February, 2012 Employee of the Month Award (Carla Jones, Police Department).

Carla Jones began her employment with the City of Valdosta Police Department in July, 2002 as a Patrol Officer. She later served a short time in the position of Desk Clerk before returning to the duties of Patrol Officer. In March, 2010, Ms. Jones was assigned to the Truancy Unit of the Support Services Division, which is the position she currently holds. In September, 2011, Officer Jones was working extra duty security at the Valdosta Stadium Theatre when she observed a patron behaving strangely as he entered the theatre. Officer Jones approached the patron when she saw him first sit down on the floor and then lie down in the lobby. As Officer Jones attempted to assist the patron, it became obvious he was in need of immediate medical attention. Ignoring the protests of the patron, Officer Jones called 911 and requested an ambulance be dispatched. The Theatre Manager was later told by the Paramedics who responded that the actions taken by Officer Jones most likely saved the patron's life. It was determined that he had been stung by an insect just before entering the theatre and was having a severe allergic reaction to the sting which could have caused heart or respiratory failure if untreated. Officer Jones' training and quick response to an emergency situation turned a potential deadly situation into a life-saving event. It reminds us of the fact that our Officers are here not only to enforce the law, but also to provide assistance in times of need. For these reasons and many others, the Employee Relations Committee nominated Carla Jones as Employee of the Month.

**APPROVAL OF MINUTES**

Mayor Gayle stated that Council has had time to review the minutes of the January 19, 2012 Regular Meeting and entertained a motion to accept the minutes.

**A MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the minutes of the January 19, 2012 Regular Meeting.

**LOCAL FUNDING AND REQUESTS**

Mayor Gayle asked if there was any objection from Council in moving Agenda Item 6(b) to this portion of the meeting. Col. Mark Ruse of Moody Air Force Base will be presenting the Agenda Item but has some prior commitments tonight and will need to leave early. There were no objections from Council.

Consideration of a request from Moody Air Force Base for the City of Valdosta to allow the relocation of the F-86 Aircraft located at Ashley Street and Woodrow Wilson Drive to the new Moody Air Force Base Airpark as supported by the McIntosh family.

Col. Mark Ruse, Moody Air Force Base, stated that he appreciated the opportunity to bring the proposal before the Mayor and Council on behalf of the Wing Commander, Col. Billy Thompson. The history behind the proposal is the F-86 Aircraft that is currently located on North Ashley Street in front of Mathis Auditorium is on

loan to the City of Valdosta from the U. S. Air Force Museum at Wright-Patterson Air Force Base in Ohio. Approximately 20 years after the City accepted the loan, the Aircraft was dedicated along with a memorial plaque at the same location in honor of Major Lyn McIntosh, an Air Force Pilot who was tragically killed in April, 1980 during a rescue attempt in Iran. Although the Aircraft has received some minimal annual maintenance and upkeep over the years, it is in great need of a significant maintenance restoration at this time. That particular Aircraft has also been flown in the past by the 23<sup>rd</sup> Wing, the home of the Flying Tigers. In May, 2011, the Moody Air Force Base leadership dedicated a new Airpark to the Flying Tigers and it is named in honor of President George W. Bush who was a Student Pilot at Moody Air Force Base in 1969. They currently have five Aircraft which includes an A-10 Aircraft that the Flying Tigers currently fly at the Base. Their vision is to eventually add three more Aircraft that have all been flown by the Flying Tigers at some point in their history since WWII. This particular F-86 was flown by the Flying Tigers and they would like to relocate the Aircraft from its current location to the Airpark. Two of the criteria that the City and Moody Air Force Base agreed upon in order to present this proposal were: (1) The family of Major McIntosh had to be in support of it. He had three sons, two who live here in the local area and a third son who now lives in Tennessee. (2) We had to have assurance from the U. S. Air Force Museum that if the City were to turn back the Aircraft they would allow it to stay at Moody and not send it to another location around the country. Col. Ruse stated that over the last six months he has worked with all three sons and they have all given their written support and agreement to move the Aircraft and the memorial out to Moody Air Force Base. We have received approval from the U. S. Air Force Museum that the Aircraft would not be sent to another location if the City were to turn back the Aircraft and it would stay at Moody. Moody would be responsible for the relocation cost, the restoration cost, and displaying the Aircraft in the Airpark. The City would be responsible for the minimal cleanup of the site which would predominantly include the removal of the concrete structure that is holding the Aircraft. Col. Ruse stated that he has worked with Pat Collins, City Engineer, and he has given him assurance that the Fire Department would like to do some training in cutting up the concrete and then they would dispose of the remaining salvage part that is left with in house resources so there would be no contract required to restore the site.

**A MOTION** was made by Councilwoman White, as supported by the McIntosh family and as requested by our friends at Moody Air Force Base, to approve the relocation of the F-86 Aircraft to the new Moody Air Force Base George W. Bush Heritage Airpark. Councilman Carroll seconded the motion. Councilman Carroll stated that this is an excellent opportunity to continue demonstration of cooperation and support that the City of Valdosta has in working with our friends at Moody Air Force Base. This will be a nice gesture to have a piece of Valdosta now resting in the Heritage Airpark at Moody Air Force Base. The motion was unanimously adopted (7-0).

## **PUBLIC HEARINGS**

### **ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS TABLED**

Consideration of an Ordinance to rezone 0.90 acres from Residential-Professional (R-P) to Neighborhood-Commercial (C-N) as requested by Vineyard Valdosta, LLC (File No. VA-2011-25). The property is located at 2004 Baytree Road. The applicant previously asked for the rezoning request to be tabled; however, the Planning Commission reviewed the exemption from the Baytree Overlay District at their regular November meeting and recommended approval for the exemption and tabling the rezoning request (6-0 vote). Mayor and Council tabled the rezoning request at the December 8, 2011 Regular Meeting for 60 days. The applicant has asked that this request be tabled again for one month.

Matt Martin, Planning and Zoning Administrator, stated that Agenda Items 4(a) and 4(b) are dealing with the same piece of property but one request is for a rezoning and the other is for a Conditional Use Permit. The rezoning request was tabled at the December 8, 2011 City Council meeting for two months as requested by the applicant. It has been re-advertised for the February 9, 2012 City Council meeting with the re-advertising costs being borne by the applicant. The applicant has again requested tabling of this item for one more month in order to resolve issues with the potential sale of the property. If tabled for more than two weeks, this request will again have to be re-advertised with the costs being borne by the applicant. The Planning Commission reviewed this at their January 30, 2012 meeting, and recommended tabling for one more month as requested by the applicant (7-0 vote).

**ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS TABLED (CON'T)**

**02/09/12 CONTINUED**

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to table the request to rezone .90 acres from Residential-Professional (R-P) to Neighborhood-Commercial (C-N) as requested by Vineyard Valdosta, LLC until the first Council Meeting in March.

**ORDINANCE FOR A CONDITIONAL USE PERMIT TABLED**

Consideration of an Ordinance for a Conditional Use Permit to allow a veterinary clinic if the rezoning to C-N is approved as requested by Vineyard Valdosta, LLC (File No. CU-2011-07). The property is located at 2004 Baytree Road. The applicant previously asked for the Conditional Use Permit request to be tabled. The Planning Commission reviewed this request during their regular November meeting and recommended tabling (6-0 vote). Mayor and Council tabled the request at the December 8, 2011 Regular Meeting for 60 days. The applicant has asked that the request be tabled again for one month.

Matt Martin, Planning and Zoning Administrator, stated that this request is for a Conditional Use Permit to allow a veterinary clinic if the rezoning to C-N is approved. This item was tabled at the December 8, 2011 City Council meeting for two months as requested by the applicant. It has been re-advertised for the February 9, 2012 City Council meeting with the re-advertising costs being borne by the applicant. The applicant has again requested tabling of this item for one more month in order to resolve issues with the potential sale of the property. If tabled for more than two weeks, this request will again have to be re-advertised with the costs being borne by the applicant. The Planning Commission reviewed this at their January 30, 2012 meeting, and recommended tabling for one more month as requested by the applicant (7-0 vote).

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to table the request for a Conditional Use Permit to allow a veterinary clinic if the rezoning to C-N is approved as requested by Vineyard Valdosta, LLC until the first Council Meeting in March.

**ORDINANCE NO. 2012-1, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 0.18 acres from Single-Family Residential (R-6) to Residential-Professional (R-P) as requested by David Brown (File No. VA-2012-01). The property is located at 1309 Melody Lane. The Greater Lowndes Planning Commission reviewed this request at their January Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that David M. Brown is requesting to rezone 0.18 acres from Single-Family Residential (R-6) to Residential-Professional (R-P). The property is located at 1309 Melody Lane which is along the east side of the road half way between Blanton Street and Baytree Drive. This is the parcel that is immediately north of the property that was rezoned to R-P in October, 2011 for Taylor Biddle (File No. VA-2011-19). The property is currently developed with a single-family rental house of about 900 square feet GFA. Just like the neighboring rezoning in October, this applicant is also proposing to have the option to rent the property for professional office usage. The property is located within a Transitional Neighborhood Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-P zoning. This property has been zoned R-6 for many years but has always been used in the past for Single-Family Residential. It is very similar to other properties along Melody Lane with small homes that have already been converted to professional offices, and have already been rezoned to R-P. When also considering the commercial zoning and more intensive development pattern across the street, this portion of Melody Lane is no longer a residential corridor. Mandating a continued residential use of the subject property seems impractical and allowing the residential/professional flexibility of R-P zoning seems the most logical for this area. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval to the City Council. The Planning Commission reviewed this at their January 30, 2012 Meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Yost, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Ordinance No. 2012-1 to rezone 0.18 acres from Single-Family Residential (R-6) to Residential-Professional (R-P) as requested by David Brown, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2012-2, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4**

Consideration of an Ordinance to annex three different segments of public right-of-way into the City Limits as requested by the City of Valdosta (File No. VA-2012-02). The first right-of-way segment is Inner Perimeter Road (U.S. 41) in the area between Brookfield Road and Bemiss Road. The second and third right-of-way segments are both on Bemiss Road (GA 125) in the area between Skipper Bridge Road and Guest Road. The Greater Lowndes Planning Commission reviewed this request at their January Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to annex three different segments of public right-of-way (State highway) into the City Limits. The first right-of-way segment is Inner Perimeter Road (U.S. 41) in the area between Brookfield Road and Bemiss Road measuring approximately 2,300 feet in length. This is the only remaining segment of Inner Perimeter Road north of U.S. 84 that is currently not in the City Limits. The second and third right-of-way segments are both on Bemiss Road (GA125) in the area between Skipper Bridge Road and Guest Road. They are much smaller and together total approximately 550' of total length. The purpose of the annexations is to rationalize City boundaries and minimize confusing gaps in the City's jurisdiction along these highways. The annexations would also allow the City to have better ability in establishing police radar permits along these highways without the confusion of these small gaps in jurisdictional area. Unlike other annexations, these are for public right-of-way and not for private property. Consequently, there are no associated zoning changes (rezonings) associated with these annexations. Staff found the request consistent with the Comprehensive Plan and recommended approval to the City Council. Pursuant to State Law, Lowndes County was notified in writing to see if they had any objections and they raised no objections; therefore, we are eligible to proceed with the Public Hearing and the annexation. The Planning Commission reviewed this at their January 30, 2012 meeting, found it consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Ordinance No. 2012-2, to annex three different segments of public right-of-way into the City Limits as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2012-3, AN ORDINANCE FOR TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to amend various Chapters of the Land Development Regulations as requested by the City of Valdosta (File No. VA-2012-03). The Greater Lowndes Planning Commission reviewed this request at their January Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to amend various Chapters of the City's Land Development Regulations (LDR). The first group of Text Amendments affects several chapters and includes items related to the proposed adoption of the City's Comprehensive Standards and Specifications Manual. These Amendments are designed to delete duplicative language and simply insert references instead to the Standards and Specifications document. The other Amendments, which are Groups 2-6, have to deal with other Chapters of the LDR where they are proposing to relax certain standard and supplement regulations that Staff felt could potentially cause problems with future development. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their January 30, 2012 meeting, found it consistent with the Comprehensive Plan, and recommended approval (7-0

vote). Matt Martin recommended that if Council is so inclined to approve these that they make Amendment Group No. 1 contingent upon the adoption of the Standards and Specifications Manual which will be heard later on the Agenda.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Payton to approve the Test Amendment for various Chapters of the Land Development Regulations as requested by the City of Valdosta contingent upon Agenda Item 6(a), the Standards and Specifications Manual passing, specifically for Amendment Group 1. Councilman Yost seconded the motion. Councilman Carroll stated, for clarification purposes, that this was also for the adoption of Amendment Groups 2-3. Matt Martin stated that there are actually six Amendment Groups in the packet and Groups 2-6 could go through without any contingencies. Councilman Payton stated that he would add that to the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2012-3, the complete text of which will be found in Ordinance Book XII.

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 2012-1, A RESOLUTION FOR A GRANT AGREEMENT TO CONTRACT WITH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FOR A HISTORIC PRESERVATION FUND GRANT**

Consideration of a Resolution and Grant Agreement to contract with the Georgia Department of Natural Resources for a Historic Preservation Fund Grant.

Emily Foster, Special Project/Historic Preservation Planner, stated that in early January, 2012, the City of Valdosta was selected to host the Spring 2012 Statewide Historic Preservation Commission Training Workshop by the Georgia Department of Natural Resources Historic Preservation Division and the Carl Vinson Institute of Government. The Workshop will take place March 30-31, 2012, and is required training for all members of Certified Local Government Historic Preservation Commissions (HPC). The Statewide Historic Preservation Commission Training is offered twice annually in different host locations throughout the State in partnership with the Georgia Historic Preservation Division, the Georgia Alliance for Preservation Commissions, the UGA Center for Community Design and Preservation, and the Carl Vinson Institute of Government. This specialized training explains the best practices in effectively administering local preservation ordinances. Participants learn about preservation law, design guidelines, administrative procedures and issues, local preservation planning, and community development strategies. In addition to HPC members, the training can benefit local elected officials, planning and development staff, city and county attorneys, Main Street managers and board members, and historic property owners. In order to facilitate this Workshop, a \$10,000 Historic Preservation Fund (HPF) Grant is awarded to the host city. The Grant requires a \$4,000 (40%) match. This match will be strictly in-kind services (i.e. staff time) and will not require any budgetary outlay of funds. As the Grant is a reimbursement-type Grant, the City will be required to outlay funds in the maximum amount of the Grant award (\$6,000), which will then be reimbursed. In order to host the HPC Training Workshop and accept this Grant, the Grant Agreement must be executed and a Resolution adopted by the City of Valdosta acknowledging that the City agrees to the contractual terms of the Grant Agreement. Emily Foster recommended that Council approve the Resolution and Grant Agreement to contract with the Georgia Department of Natural Resources for a Historic Preservation Fund Grant.

A **MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Resolution No. 2012-1, a Resolution for a Grant Agreement to contract with the Georgia Department of Natural Resources for a Historic Preservation Fund Grant, the complete text of which will be found in Resolution Book V.

**LOCAL FUNDING AND REQUESTS**

Consideration of a request to approve a Comprehensive Standards and Specifications Manual for the Utilities Department. (Second Reading). The Second Reading of this request was postponed at the January 19,

2012 Regular Meeting until the February 9, 2012 Regular Meeting.

Henry Hicks, Utilities Director, stated that the Comprehensive Standards and Specifications Manual is the result of three years of work in collaboration with City Departments, local underground contractors, engineers, and developers. This is not the end of the process and it will be kept open as they move forward to improve the Manual with input from these same resources. This will set the standards and specifications for all of the City of Valdosta's underground infrastructure, materials, construction, and testing methods, as well as put everyone on the same page for design, bidding, and inspection on these projects. Henry Hicks recommended that Council approve the Comprehensive Standards and Specifications Manual for the Utilities Department.

**A MOTION** by Councilman Wright, seconded by Councilman Yost, was unanimously adopted (7-0) to approve a Comprehensive Standards and Specifications Manual for the Utilities Department as recommended by Staff.

Consideration of a request to approve sponsorship of a table at the Annual Law Enforcement Appreciation Dinner.

Larry Hanson, City Manager, stated that the men and women of Valdosta's Law Enforcement Agencies work tirelessly to ensure our security and safety every day and for the past several years, the Rotary Club of Valdosta has hosted a Law Enforcement Appreciation Dinner. This event is one small way to show the Law Enforcement professionals that their community supports and appreciates their efforts of our behalf. The funds raised through ticket sales and donations are used to assist the area's Local Law Enforcement personnel and their families in times of special need. This year, the Rotary Club of Valdosta will host its 5<sup>th</sup> Annual Law Enforcement Appreciation Dinner on Thursday, February 16, 2012 at the James H. Rainwater Conference Center. The event will begin at 6:00 p.m. with a reception and dinner at 7:00 p.m. There will be recognition of the "Officers of the Year" for participating Departments. A table of 10 can be purchased for \$1,000 or individual tickets are \$100 each. Larry Hanson recommended that Council approve the sponsorship of a table at the Annual Law Enforcement Appreciation Dinner.

**A MOTION** was made by Councilwoman White to approve sponsorship of a table at the Annual Law Enforcement Appreciation Dinner. Councilman Carroll seconded the request. The motion was adopted (5-1) with Councilman Norton voting in opposition and Councilman Wright was absent for the vote.

## **BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES**

Consideration of appointments to the Historic Preservation Commission.

Larry Hanson, City Manager, stated that the Valdosta Historic Preservation Commission has the following members whose terms will expire on February 13, 2012: (1) Ms. Celine Gladwin, (2) Mr. John Holt, and (3) Dr. Richard Saeger. Ms. Gladwin and Dr. Saeger have expressed an interest in serving again. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants for consideration are as follows in no order of preference: (1) James E. "Jed" Douglas, Jr. - Attorney, Langdale Vallotton, LLP, (2) Eugene Gattuso - Retired, (3) Celine Gladwin - Architect, BFB Gladwin Architects, (4) Portia Robinson - Legal Department Assistant, CBV Collections, (5) Dr. Richard T. Saeger - Retired Professor, Valdosta State University, and (6) Deanna Wagoner - Retired, Artist.

Mayor Gayle asked for nominations for Position No. 1. Councilwoman White placed in consideration the name of Celine Gladwin. Mayor Gayle asked for nominations for Position No. 2. Councilman Payton placed in consideration the name of Dr. Richard Saeger. Mayor Gayle asked for nominations for Position No. 3. Councilman Carroll placed in consideration the name of James E. "Jed" Douglas, Jr. There being no other nominations, Mayor Gayle closed nominations. Mayor Gayle entertained a motion for appointment of these three positions by acclamation.

**A MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the re-appointments of Celine Gladwin and Dr. Richard Saeger and the appointment of James E. "Jed" Douglas, Jr. by acclamation to serve a term of three years on Valdosta Historic Preservation Commission.

Consideration of an appointment to the Valdosta-Lowndes County Parks and Recreation Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Parks and Recreation Authority has one opening to fill the unexpired term of Councilman Robert Yost who resigned. His term will expire June 30, 2012. This appointment was advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants for consideration in no order of preference are as follows: (1) Barry Broome - Self Employed, Allstate Insurance Agency, (2) Michael F. Edwards - Self-Employed, Health Educator, (3) Robbie Milam - Associate Minister of Music/Children's Choirs, Park Avenue United Methodist Church, (4) James John Scruggs, Jr. - Mechanical Contractor & President, Valdosta Mechanical Co., Inc., (5) Barbara Stratton - Formerly employed as a Contracts Specialist/Administrative Assistant, Moody Air Force Base (first choice), (6) Earl Wetherington, Jr. - Assessor, Lowndes County Tax Assessors, and (7) Charles White - Senior Sports & Program Manager, Special Olympics Georgia.

Mayor Gayle asked for nominations. Councilman Yost placed in consideration the name of Charles White. There being no other nominations, Mayor Gayle closed nominations. Charles White was appointed by acclamation to fill the unexpired term of Councilman Robert Yost on the Valdosta-Lowndes County Parks and Recreation Authority.

Consideration of appointments to the Valdosta-Lowndes County Land Bank Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Land Bank Authority has the following members whose terms expired on January 31, 2012: (1) Mr. Burke Sherwood, and (2) Councilman James Wright. One of these appointments must be a City Council member, and Mayor John Gayle will make the appointments. Mr. Sherwood has expressed an interest in serving again. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants for Mayor Gayle's consideration in no order of preference are as follows: (1) William A. Branham - Founder/Chairman/CEO, 21<sup>st</sup> Century Telecom, Inc., (2) H. Burke Sherwood, Sr. - Attorney, Sherwood & Sherwood, P.C., (3) Barbara Stratton - Formerly employed as a Contracts Specialist/Administrative Assistant, Moody Air Force Base (second choice), and (4) Councilman Robert Yost - Vice President of Programs, Special Olympics Georgia.

Mayor Gayle stated that he would appoint Councilman Robert Yost as the City Council representative to serve a four year term on the Valdosta-Lowndes County Land Bank Authority. Mayor Gayle also stated that he would re-appoint Attorney Burke Sherwood to serve a four year term on the Valdosta-Lowndes County Land Bank Authority.

## **CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that last week he attended a banquet at the Boys and Girls Club on behalf of the Mayor and Council and the City was recognized with the Louis Kafore Memorial Service Award which was presented in recognition of outstanding services rendered to the communities' youth through the support of the Downtown campus construction projects. This award is rarely given by the Boys and Girls Club and has only been given once in the last decade. It has never been given to an organization and the Boys and Girls Club wanted to recognize the Mayor and City Council for their support in serving the youth at the Downtown facility.

The deadline for the Mayor/Council Retreat Items is Monday, February 13, 2012 at 5:00 p.m.

The Natural Resources Conservation Service has accepted the Brown's Canal Project and the State Director was in Valdosta yesterday. The District Soil Conservation Board of Directors also held their District Meeting at the site yesterday and they were all elated with the results of the project.

There will be an Arbor Day Ceremony on Friday, February 17, 2012 and the City of Valdosta will be honored as a Tree City U.S.A. for the 26<sup>th</sup> consecutive year. The Ceremony will take place at 10:00 a.m. on the front lawn of Valdosta State University. Valdosta has been recognized based on four national standards that are required to be met by the Arbor Day Foundation and we are one of only three cities in Georgia that has received

consistent recognition for this period of time. Valdosta, Macon, and Savannah are the only three cities in Georgia to receive this award for over 20 consecutive years. This shows the City's commitment to the preservation and planting of trees in our community.

The Government 101 classes will begin on April 7, 2012 and will continue for six consecutive Mondays. This has been a great success in helping citizens to understand the services their local government provides and how it is operated. There are a maximum of 25 people in the class and as of today there were 12 who have registered. This is open until it is filled and any citizen interested in participating is encouraged to apply.

The LMIG Resurfacing Program is now underway and there are several streets within the City that are being resurfaced. There will be repair work on South Oak Street from the railroad to Old Clyattville Road, River Street from Oak Street to the railroad, Morningside Drive from Continental Drive to Bunche Street, and West Magnolia from North Patterson Street to Toombs Street. The resurfacing of these streets will be nice improvements and there will be a new resurfacing project starting later this year.

Larry Hanson stated that there will also be a brief Execution Session tonight to discuss litigation.

### **COUNCIL COMMENTS**

Councilman Vickers stated the City did a fine job on the Brown's Canal Project and recommended that red reflectors be placed on the West Street side since the fence is black and that would add some attention to it at night for those who are unfamiliar with the area. Larry Hanson stated that the neighborhood has been very pleased with the Project and he recognized Emily Davenport, Stormwater Superintendent, and Pat Collins, City Engineer, for their work on the Project.

Councilman Yost thanked Sementha Mathews, Public Information Officer, and other Staff members who worked on the Bird Supper. They did an excellent job and it was a tremendous success. Councilman Yost stated that he wanted to thank the City Manager, the Chief of Police, and the Police Officers who have done an excellent job with some things that have come up recently but have been criticized by the newspaper in their editorials. They make him very proud of the service that they do every day to defend each and every one of the citizens in this room and in our community. Councilman Yost stated that he appreciated what they do because they do it very well and they represent the community in an excellent way. He also appreciated their service in handling some incidents that have occurred within the last couple of weeks. The City Manager and the Police Department handled it with respect for the families involved and did an excellent job. Councilman Yost stated that he wanted to say something about the newspaper and this was his turn to be the Editor. It may be time for the Publisher, the Editor, and the Editorial Board for the Valdosta Daily Times to step aside. Councilman Vickers stated that was Councilman Yost's opinion. Councilman Yost stated that it was his opinion as the Editor and it was not Council's opinion.

### **CITIZENS TO BE HEARD**

Jimmy Boyd, 904 Brookhaven Drive, stated that he is a local Minister and business owner in Valdosta and has won several business awards from the Valdosta-Lowndes County Chamber of Commerce. He is concerned about the Valdosta Police Department because of an incident that took place on January 27, 2012. He was stopped by the Valdosta Police Department Drug Squad and the Officer asked for his license. He gave the Officer his license and asked why he was stopped. The Officer told him that he would tell him after he looked at the license. He told Mr. Boyd that he had a tip that drugs were in his car. Mr. Boyd asked the Officer if it was a vehicle like his. The Officer told him no that it was his vehicle. That disturbed Mr. Boyd because that was the vehicle that his wife drives. His wife is an educator in the Valdosta School System and has dedicated most of her life to helping under privileged children. It just so happened that she was in St. Simons for a workshop on that day so he was driving her car. He took his son to the doctor and then took him home on the north end of town. He was on his way back to work when he was pulled over. Mr. Boyd told the Officer that there was no way this vehicle could be involved in anything like that. The Officer asked Mr. Boyd if he had drugs in the car. Mr. Boyd told the Officer he did not have drugs in the car and that he was a Minister who had dedicated the last 20 years of his life talking to drug dealers about putting down their drugs. He has also mentored over 100 men in the community with most of them being ex-drug dealers. He told the Officer that he had dedicated his life to being on his side. The Officer told him he did not care. Mr. Boyd asked the Officer if he did not care that he was a local Minister and business owner.



The Officer told him that he did not care because he was investigating a drug tip. The Officer asked Mr. Boyd to go ahead and tell him where the drugs were at because if he did not tell him now he would find them anyway. Mr. Boyd told the Officer that he did not have any drugs and that he was on the Officer's side of this. The Officer asked him to step out of the car because he was going to have the dog walk around the car and if the dog alerted him that there were drugs in the car then he would search the vehicle. Mr. Boyd stated that he stepped out of the car and the Officer brought the dog to the driver's door and hit the door. Mr. Boyd did not know what the signs were for the dog but he did not hear the dog bark or anything. The Officer then said that he would have to search the car because the dog alerted him that there were drugs in the car. Mr. Boyd told the Officer that he had two or three members of his church that lived on this street and that this was humiliating. The Officer told him that he still had to search the car. The Officer tore up the car and threw papers all over the seat but did not find anything. The Officer then went back and got the dog and put the dog inside of the car. The dog could not find anything so the Officer came back and said that he must have gotten a bad tip. Mr. Boyd told the Officer that he knew the dog did not alert him to any drugs in the car and that he had just gotten the wrong person this time. Mr. Boyd stated that he was humiliated and then thought about what if that had been his wife or his mother going through that. He was going to let it go and then he asked the Officer his name. The Officer told him that he could find a detailed report at the Valdosta Police Department on the next Monday. Mr. Boyd went to the Police Department the next Monday and he got a report which was one page and did not even have his name on it. Mr. Boyd spoke with the Commander who told Mr. Boyd that he could file an Open Records Request and he could get a detailed report. Mr. Boyd stated that he did that and he has yet to receive the information and that has been over a week ago. He did not know about other people but he felt like his rights were violated because the Officer did not have a right to search his car. Mr. Boyd asked the Officer why did he not find the drugs in the car if the dog had alerted him that there were drugs there. The only thing the Officer said was that he got a bad tip. Mr. Boyd stated that he was humiliated because he had three of his customers and two members of his church pass by.

Floyd Rose, President of the Valdosta-Lowndes County Chapter of the Southern Christian Leadership Conference, stated that he is first and foremost a Minister of the gospel of Jesus Christ and he takes his calling seriously. Rev. Rose stated that, with all due respect to Councilman Yost, people who do not live on the reservation always have reservations about people who do. Councilman Yost does not live on the reservation that he lives on. There are Officers in this town who are decent. Most of them are kind and respectful and have treated him with the utmost of respect; however, within the barrel of the Police Department in this town there are apples that are rotten and need to be removed. Officers in that barrel have not only lied on him but have lied to him. Rev. Rose stated that he suggested to Mr. Boyd that they go get the report and the report said absolutely nothing. His name was not even on it and it was an insult to their intelligence. In fact, he insisted that they stay there until they received the report that had been promised to Mr. Boyd. They got nothing. Rev. Rose sent an Open Records Request to the City Manager and for the first time since he has been here he received no response. He hand delivered the letter to him last Tuesday and he has received nothing. Then on Tuesday of this week he received a call from Commander Brian Childress who said, "Rev. Rose, the Chief is out of town and we got your request and he asked me to respond to it and I will get in touch with you tomorrow buddy." Rev. Rose stated that he was not his buddy and he did not want to be his buddy. He would like to be his friend and would respect him as a Commander in the Police Department but he was not his buddy and he need not speak condescendingly to him as his buddy. Rev. Rose stated that this was the first time that City Manager had not responded to his requests through the Open Records Act. He did not know what the problem was and wondered if it was because of the Police but he would let him respond to it. Rev. Rose stated that Mayor Gayle had said that they would get back to them on their needs. He has been before this Council several times prior to when Mayor Gayle was in office and except for Councilman Sonny Vickers, no one has ever gotten back to him ever even though they requested it. Rev. Rose stated that he received a strange call the Sunday following the headline story in the Valdosta Daily Times on January 29<sup>th</sup> that said, "Just seeking for answers." The caller said, "Rev. Rose, you don't know how many people in this town hate you. You better be careful." Rev. Rose told the caller, "Long ago, God delivered him from the fear of criticism, of ostracism, and of death. If he loses his life in this cause for these young people who are being harassed almost every day by unscrupulous Police Officers so be it." Rev. Rose stated that perhaps if something like that happened then just maybe somebody will come to this town and investigate. To pretend that you have a perfect Police Department is nonsense and insulting when most of us who live on the reservation know better.

Leigh Touchton, President of the NAACP, stated that she wanted to speak on behalf of Tevin Martin. The NAACP received a complaint from his family. Tevin Martin was arrested at Pinevale Learning Center. The Officer went in without informing the Principal or anyone at the front that he was there. He did not come in with a

warrant or with the purpose of arresting this young man; however, somehow in the course of entering the lunchroom where there were approximately 30 students and 1 teacher, the Officer went up to the young man and put him in a choke hold with his arm behind his back. Ms. Touchton stated that the witnesses told her that the young man fought the Officer and reversed the hold. The young man is now in the Lowndes County jail and turned 17 at the end of December. He would not be charged as an adult except now he is 17. He does not have any record. The same Officer had accused him of something prior and Judge Wayne Ellerbee threw it out. These are the things that she has been told. She is not a Police Officer and cannot subpoena people or call a trial. She cannot ask people to testify under oath. She can only say that this is what she has been told. It is the mission of the NAACP to investigate all cases of Police brutality that they deem credible. Based on the number of people coming forward, they deem this one credible. Various members in their Branch have gone to the Valdosta City Schools and talked to administrators who said they are very disappointed as to how this Officer came onto the grounds. It is the opinion of several people that this young man would not be in jail today if that Officer had not caused a confrontation. Ms. Touchton stated that she was not here to argue whether it was right or not for that young man to get into a scuffle if that is indeed what happened; however, that afternoon many of the students who were in the lunchroom went to Tevin Martin's house and told his mother what they saw. They shared with her other incidents with this same Police Officer. Ms. Touchton stated that those of you who do not live on the reservation have reservations about people who live on the reservation. She is a former Valdosta State University (VSU) Professor and 25% of her students were black. She would ask them every semester how many of them had been pulled over in the last week by a Police Officer and almost all of the black students had been pulled over. There were told there was gang activity in the area and they were wearing purple ties. The next week the same person would be pulled over and was told that there was gang activity in the area and they were wearing red blouses. It did not matter what the students were wearing because they got pulled over because they were black. That is called racial profiling and it happens all over the nation. The likelihood of it happening in Valdosta is as great as it happening anywhere else in the south. She was also told by these young people that they get constantly accosted on the street for carrying a backpack. Ms. Touchton stated that her daughter has never been accosted for carrying her backpack into school. As a Professor, she never saw Police Officers at VSU accosting any of the students carrying a backpack. You do not see Officer at Wiregrass Technical College asking all of those students to submit to searches because in the words of this one Police Officer a backpack is probable cause for drug dealing and gang activity. There are 8,000 children in the Valdosta City Schools and they all have backpacks and there is no way that even 99% of them are doing drugs; however, the majority of black male teenagers are getting stopped and searched for carrying backpacks. Ms. Touchton stated that she helped to campaign for someone on the Council who represents a black District and was going to hold town meetings. Ms. Touchton has also worked closely with several other people on this Council who care about children and about African-American issues like when a Police Officer goes bad and does something bad that seriously impacts black people such as hanging nooses in their lockers, cars, or on a bus at VSU. Ms. Touchton asked people of conscious who know something about what happens in African-American communities to step up and educate the white people on Council and get out into your respective Districts to hold town hall meetings. Her phone rings off the hook and she gets the same kind of phone calls that Rev. Rose gets and she is not afraid to stand up and go to jail. Seventeen and sixteen year old students should not have to deal with the level of harassment and intimidation that she has heard about. The Police Officer went back the next day and told all those kids who were witnesses that they better be careful about what they put in the report because he would come back and see them.

J. C. Cunningham stated that there is a perception in Valdosta that the Valdosta City Police are beyond criticism. The perception is that the Police Chief does as he pleases and is unapproachable by a certain group of people in Valdosta. The perception is that black men and women are more likely to be pulled over by the City Police than white men and women. The perception is that our City Council seems unconcerned and uncaring about allegations made against the Police Department. He has always been told that perception is reality and if this is the case it is time for the Chief of Police and the City Council to step up and start dealing with these realities. Today is the time and these Council Chambers are the place that Council can send a message to all the citizens of Valdosta that they hear and understand the citizens' concerns and will take each one of them seriously. Today is the time for Council to tell the citizens of Valdosta that they have not forgotten who put them in the seats they are sitting in and that they are going to represent the citizens in a manner they all deserve. Mr. Cunningham stated that he was not indicting the whole Valdosta Police Department but they are not perfect and they too make mistakes. When a mistake is made they need to take ownership of it, learn from it, use it as a tool to prevent further mistakes, and then maybe we can move on. He has a lot of friends who work for the City of Valdosta Police Department and he supports and respects all Policemen for the service they do for this community; however, just like any other

profession, there are some rotten apples and some superior than thou attitudes. Some have brought shame to the Police Department and our community. If Council had been more proactive and insisted that the Police Chief at least give the perception that he was going to listen to the concerns of the community and its leaders then maybe this large group of people would not be here today and could be home with their children doing homework. Instead they are here insisting on answers. There was no need for them to be here today except for the fact that Council has failed to hear us. They have failed to listen to the citizens and have tried to dismiss their leaders and this is going to stop. They want trust and justice. They want to be treated humanely and with dignity and respect. They just want the Valdosta Police Department to be a deterrent for crime, the first responders, and protectors; however, they can no longer allow the Police Department to do as they please towards our children and our community. Mr. Cunningham stated that he prayed tonight that Council will not only hear him but listen to their constituents. They are not here because they are following a person or a cause but they are here because they want justice and they want to be heard.

George Boston Rhynes, 5004 Oak Drive, stated that it is obvious there is a problem. He came to this area in 1989 and retired here in 1991. He has followed the Lake Park Post Editor, Al Parsons, since 1989. The history shows that there have been 30 deaths in the jail that is dealing with law enforcement. We are leading the State of Georgia in jail deaths and that is a matter of record. Mr. Rhynes stated that he spoke with the City Manager and Sheriff Chris Prine about an alleged Taser death on May 8, 2010. He spoke to Council about this same death. There is an individual in this City who is afraid for his life. He is moving from place to place and he often calls Mr. Rhynes about his son who is incarcerated in the jail. Mr. Rhynes stated that sooner or later something is going to be done and he is 100% certain of that. He is 100% certain because he told the Mayor and Council about the disgraceful 1860 Charter that hung in the hallway and that it would be removed. He told Council before it happened that the Barber Park name would be changed. Mr. Rhynes stated that if the Citizens to Be Heard portion of the Agenda remains at the end then at least the Council Comments should be placed after that. It is time for the citizens of Valdosta and Lowndes County to be respected. Mr. Rhynes stated that he would close with a story about a flea. Since 1989 he has stood before the Council along with members of the NAACP, Jessie Jackson's Rainbow Coalition, and Attorney Mathis from Atlanta but there is something strange about a flea. If you put a flea in a jar he will jump up and keep on jumping like the citizens of Valdosta. The flea keeps jumping up and banging his head on the top of the jar and then you look around and the flea gives up. He is not dead but he is tired of jumping up and down and not seeing any results. They know they have gotten old so they do not get up. From our perception we think they are dying; however, they are all happy and living in paradise and are just having sex to make more little fleas to jump up and bang their heads because they know one day God will hear their cries.

Bobbi Hancock, Senior Sociology Student at Valdosta State University, stated that she wanted to support those who have spoken to Council tonight about the racism issues in Valdosta. It is time for everyone to wake up. She had convinced herself up until a month ago that things were a lot better in our community and that there was more equality and justice than in the last 50 years. She recently started an internship with the NAACP and has had an opportunity to hear some of the stories about Police brutality, the unfairness, the inequality, and the injustice. This should not be going on today and we should not be dealing with racism in our community to the extent that we are. Ms. Hancock stated that she did not know how to fix the problems but she could be an advocate and say there are some extreme racism issues in this community that we need to work on. She asked that each of the Council members consider what has been said tonight because we really do have a problem. This is a great City and there are a lot of great things going on; however, we should not be dealing with problems with minorities. Everyone should be treated equally and have an equal opportunity. She has a daughter that just turned 18 and if she had gone through with her what this young man's mother is going through with him sitting in jail after being attacked by a Policeman when he did nothing wrong she would be livid. Ms. Hancock asked Council to wake up and see that there are issues that need to be addressed because they are the leaders and people look up to them for fixing these things. Ms. Hancock stated that she is an advocate for the African-American community as an intern for the NAACP and as a community member in Valdosta.

Ronnie Pierce stated that he was not speaking for the organization or company that he works for but was speaking as an individual and a citizen of this community. There are some very good Police Officers in this area as well as some bad ones and he had an experience with both. Mr. Pierce stated that in the neighborhood, the perception is "driving while black" or DWB instead of DWI. Approximately two weeks ago he was at the intersection of Ashley Street and Bemiss Road and what he did was wrong so he did not pursue the case; however, the Police Officer approached him while he was smoking a cigarette. He did not have an ashtray in his car so he

dumped the cigarette on the street. The Police Officer's whole attitude became very aggressive and demanding. After the Officer told Mr. Pierce why he was stopped stated that he was going to write him a ticket for dropping a cigarette on the street in a really nasty tone. Mr. Pierce shared this particular incident with his family and neighbors and they thought it was insane. The Officer did not write a ticket for that but just his general attitude and the way he was talking felt intimidating. Mr. Pierce secured a video tape of the offense that he was being charged with and wished that the Police Department had audio as well so that you could hear the tone of his voice. He was stopped today and this incident did not have anything to do with his race. The Police Officer was just the opposite and he was perfect. The Officer called him "Sir" while the other Officer had called him "Boy" which really upset him. The Officer asked him for his license and told him what the violation was and the best part was that after talking with the Officer for a few minutes he let him go. Mr. Pierce stated that he and Jimmy Boyd own a business next door to each other and Mr. Boyd had told him that he could pick up a Police report. Mr. Pierce told him that they would not have a Police report and that there would be nothing on record about this incident and what he just said proved to be true. There are a lot of perceptions in the black community about Police Officers with some being true and some false.

### ADJOURNMENT

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

**A MOTION** by Councilman Norton, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the February 9, 2012 meeting of the Valdosta City Council at 6:45 p.m. and enter into Executive Session.

Mayor Gayle reconvened the regular City Council meeting at 7:00 p.m. and stated that there was discussion of litigation in the Executive Session that involved a settlement on a Worker's Compensation case. Mayor Gayle entertained a motion to approve the settlement.

**A MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to settle a Worker's Compensation claim in the amount of \$65,000 as full, final, and complete settlement.

Mayor Gayle entertained a motion for adjournment.

**A MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the February 9, 2012 meeting of the Valdosta City Council at 7:01 p.m. to meet again in regular session on Thursday, February 23, 2012.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta