

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, MARCH 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, Alvin Payton, Jr., Deidra White, Robert Yost, and James Wright. The invocation was given by Bishop Wade McCrae, Union Cathedral Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

Mayor Fretti entertained a motion for Awards and Presentations.

A **MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) for the March Awards and Presentations.

PRESENTATION OF THE MARCH, 2011 EMPLOYEE OF THE MONTH AWARD

Mayor Fretti presented the March, 2011 Employee of the Month Award (Terrence Hines, Police Department).

Terrence Hines began his employment with the City of Valdosta Police Department on June 29, 2009 as a Patrol Officer which is the position he currently holds. During his career with the City of Valdosta, Patrolman Hines has been involved with the enforcement of traffic laws including the use of radar devices and the investigation of traffic accidents. As a Patrolman, his duties also overlap with all other areas of law enforcement and he acts on whatever situation arises to ensure the safety of citizens. Early on the morning of Christmas Eve in 2010, Police Officers of the Valdosta Police Department responded to a call for service in the southeastern part of Valdosta. The call indicated a woman had been the victim of a serious assault. While in route to the scene, Patrolman Hines heard the description of the suspect on his police radio. Shortly thereafter, he observed a person who appeared to match the description given and detained him. As it turned out, the suspect was the party responsible for the brutal assault. Unfortunately, the victim did not survive her injuries and the case was elevated to a homicide. Patrolman Hines' clear-thinking and quick action while responding to a very dynamic situation resulted in making the streets of our City safer. It has been said that "success is dependent on effort." By remaining alert and focused during his response to a crisis situation, Patrolman Hines was able to capture and arrest the perpetrator of a vicious crime before he escaped. For this, he is worthy of recognition by his peers. For these reasons and many others the Employee Relations Committee nominated Terrence Hines as Employee of the Month.

SPECIAL PRESENTATION OF THE MUNICIPAL AUDIT FOR FISCAL YEAR 2010

Presentation of the Municipal Audit for Fiscal Year 2010.

Mark Barber, Deputy City Manager of Administration, stated that the Municipal Audit for Fiscal Year 2010 has been completed by the auditors, Mauldin & Jenkins. Wade Sansbury, Mauldin & Jenkins, stated that he would be presenting the June 30, 2010 audited financial statements for the City of Valdosta and Council has received an unqualified opinion. For the year ending June 30, 2010, the City ended with total assets of \$270 million and was offset by \$26 million of total liabilities for total net assets of \$243.7 million. This is an increase over the prior year of approximately \$650,000. In the General Fund, there was \$12.2 million in total assets, \$3 million in liabilities, and approximately \$9 million in the total Fund balance. The audit was very good this year and no deficiencies were found. Councilman Vickers inquired as to what was meant by an unqualified opinion. Mr. Sansbury stated that for an audit there will be either an unqualified opinion, a qualified opinion, or an adverse opinion. With an adverse opinion, the auditors would not express an opinion whatsoever, a qualified opinion would be for "an except for" opinion, and an unqualified opinion means that everything on a material basis was presented fairly as of the end of the year. Councilman Carroll inquired as to how the City of Valdosta compared to other municipalities in the State. Mr. Sansbury stated that as a whole, cities across the State have had some tough times. Some have done better than

others and Valdosta compared well with cities of the same size. There was a deficit in the General Fund this year as far as overall revenues versus expenditures are concerned, but this is very common and hopefully will improve as the economy improves. Councilman Payton inquired about the total cost of all City programs increasing by approximately \$140,000 for the Fiscal Year 2010. Mr. Sansbury stated that was for the City as a whole and included all of the governmental funds, business activities, and internal service funds. Mayor Fretti entertained a motion from Council to accept the Municipal Audit as presented or not accept it and to ask for more information.

A **MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to accept the Municipal Audit for Fiscal Year 2010.

APPROVAL OF MINUTES

The minutes of the February 24, 2011 Regular Meeting were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Roy Taylor, 2209 Bridlewood Drive, stated that approximately ten years ago he had a City employee approach him about donating some buildings he owned in the Downtown area to the City to help bring in a large department store. The City would remodel the buildings and then give someone free rent for approximately five years. Mr. Taylor was happy to do that and named the buildings in honor of Ms. Erlene Lewis who had donated 50 years of her life to the City. Mr. Taylor stated that he donated the buildings with the understanding that they would not be sold and that nothing else would be done with them except what he donated them for. He has now discovered that they have been condemned and sold to someone in Savannah. Mr. Taylor inquired as to why that was done. He also had an agreement with the County and when they changed their minds they gave the property back to him. Mr. Taylor stated that he clearly had an understanding with the Mayor and Council at that time and if the City cannot honor that then he would like to have the properties given back to him for development.

Gary Minchew, 908 Moss Way, stated that he had some statements to make about the Land Development Regulations (LDR). In the March 6, 2011 edition of the Valdosta Daily Times, it mentioned the establishment of a 12 member Steering Committee to design work for a Municipal Auditorium. It also mentioned that members discuss problematic Ordinances in the LDR that need to be addressed, specifically the Water Fountain Ordinance that requires new businesses located in the City to install and maintain a water fountain. Mr. Minchew stated that he has been in the development business for a long time and water fountains have never been an issue. In the March 4, 2011 edition of the Valdosta Daily Times, it stated that citizens were concerned about land development rules. This document consolidated all of the various ordinances into one and that is where some of the misunderstanding about the size of the document comes in. Mr. Minchew stated that it was a mistake to combine all of that information because the only part that he was interested in is about land development. It is incorporated into a big book that he has a hard time understanding even though he went to college for two years. There were approximately two years of planning and public outreach for the LDR and there were no developers involved on the Committee that was created to work on this. If Council wanted some real input about the land development regulations then they may want to invite some developers because they have not been invited to anything.

John Robinson, 3227 San Juline Circle, stated that he represented the Black Business Association and other small businesses and he has been working with the City Manager and others on the Valdosta Small Emerging Business (VSEB) Program. They have found that it is encouraging and discouraging. There are some issues that need to be resolved and will become intensified if not resolved. The ones that were put in the spotlight are going out of business. There was a meeting held on February 18, 2011 and no Council members showed up for that. There are no guarantees for black businesses because there is no language in there and it only talks about emerging businesses. They do not want to become critical but it is very important that they work together. They are having problems with the Requests for Proposals and by the time they find out about the project it is too late. They are problems with the portfolios and they need for Council to put some emphasis on the VESB Program. They need jobs and money on the other side of the railroad tracks. Steps are currently being made in other areas to guarantee that they are going to get their share of some of the Federal money. They want to make certain that they can get some contracts and recruit people; however, the most important thing is that they get some funds. Mr. Robinson asked for Council's help with the VSEB Program.

George Boston Rhynes, 5004 Oak Drive, stated that he loves his community but there are people in the community who are concerned about somebody outside of themselves. In the newspaper today, a local citizen and a Council member had some disagreements which were brought before Council. Regardless of the positive or negative, Mr. Rhynes commended these two people for at least caring enough about the citizens and how the Federal dollars are being spent in our community. Mr. Rhynes stated that he is a member of the NAACP and he may not agree with the way it was handled, but he wanted to commend both of them positively for trying to get jobs to the people who have been left out from the Federal dollars that have been coming into the community along the lines of contracts. There should be a fair share for everybody. He may be a wolf crying in the wilderness but he wanted the people of Valdosta to know that, whether the press publishes it or not, he commended the Council member and the citizen for trying to get some jobs to the people who do not have any.

Barthaniel Werts, 903 North Troup Street, stated that he was concerned about the flooding in his neighborhood. At certain times, there is no way to cross the street unless you get a small boat and float across it. Mr. Werts stated that he would like for someone to resolve the problem. Councilman Vickers inquired as to whether City Staff had responded to Mr. Werts. Larry Hanson, City Manager, stated that John Whitehead, Deputy City Manager of Operations, had provided Mr. Werts with a written response that gave him some short term and long term solutions; however, it would not be in the short term for a permanent solution. The street was built as an inverted crown many years ago where the water drains down the center toward the end of the street. There are many streets in the City that were designed the same way. Mr. Werts stated that there have been repairs to the street and now there are humps in it which cause the water to flow back to Lee Street.

Nolan Cox, 1009 Cherry Creek Drive, stated that there are only two segments in the economic pie in the community and those are government and business. Every penny that goes into government comes out of business. There is a myth going around that people from outside of Valdosta pay for half of our SPLOST tax which includes the E-SPLOST, Local Option, and Special Purpose Tax; however, these people do not come to Valdosta to pay taxes. They come to Valdosta to buy goods and services and government forces them to pay taxes. When that happens, the money cannot be spent in businesses. Those three taxes, over the last duration, spent \$2.1 billion in government and it did not go into businesses. We are trying to be a business friendly community and you are talking a good job. It is encouraging to see that you are thinking about it, but we have got to cut down the money that we are taking out of business and putting into government. When the government gets it they either hire people, buy equipment, or buy property all of which has to be maintained for the duration. When business gets that money, they hire employees, pay property taxes, sales taxes, and income taxes which go on perpetually. When you rob the profitable side of business and put it into an organization that only consumes you produce nothing. You consume and if you want to have the business community then you have to cut down on expenses, overhead, and taxes. This will inspire the business community which will in turn reward you with more taxes. Mr. Cox stated that he understood that Council was focused on the job they are doing but they do not need to be myopic and focus to the extent that they do not understand where money comes from. They have got to help the other side of the equation that is being taxed. Mr. Cox stated that he heard a gentleman say, "Do something for the south side of town." Mr. Cox stated they should do nothing and let businesses hire people which will help with both sides of that. We do not need more money going into government. We need less money and it needs to be spent better. Mr. Cox stated that he read the State of the City and none of the Tea Party people that he knows thinks that grants are evil. He does not think money is evil, but he does think that the people who borrow money, send to someone to get a favor, and then have the taxpayer pay back the money is evil. When you are taking taxpayers' money you are denying them of their personal property, liberty, and part of their life. They spent their life earning that money and government should respect that. To take taxpayers' money and go buy banquet tickets is evil. Council should go buy the tickets out of their personal pocket and not ask the taxpayers' to pay for something that they do not want to pay for. Mr. Cox stated that he loves these organizations but he does not come here and ask for money. He encouraged Council to work on the equation between business and government and keep this in mind.

Roger Budd, III, 5 Cherokee Circle, stated that a person he really admires asked the following question a long time ago, "How long will people endure the abuses of an unjust government?" He said it was a long time and probably forever if the abuses do not get worse. That is the problem because they always get worse until they are insufferable and when that day comes, revolution is at hand. Mr. Budd stated that he was paraphrasing from the Declaration of Independence and Thomas Jefferson wrote those words. We are nearing the point of insufferable justices of government. One example is the Land Development Regulations (LDR). Mr. Budd stated that he would

never waste his money printing out that many pieces of paper. He read an article in the Valdosta Daily Times which stated that the City recognized that people were complaining about the length and complexity of the LDR and they had reduced its length by 30%. The article stated that this was primarily through font and margin adjustments. Mr. Budd stated that he could probably write the entire Bible on one sheet of paper with the proper font and margin adjustments. The problem with the LDR is not the number of pages but the infringement upon the liberty of the people that all these pages represent. Mr. Budd stated that another example is that metal buildings are illegal on the entire length of St. Augustine Road in the City of Valdosta. Metal is a perfectly reasonable building material and it is cost effective. The Empire State building is a metal building. The Eiffel Tower is a metal building. The Statue of Liberty is a metal building. Mr. Budd stated that he was at the recent Zoning Board of Appeals Meeting and a person in the room begged the government, after he paid \$450, to let him build a metal building on St. Augustine Road. His direct quote from the Zoning Board Minutes is, "If I had known I was going to have to pay an extra \$35,000 to make this building a brick building instead of a metal building I would not have done this project." The policies of this City are anti-business. He would have done business somewhere else. Mr. Budd stated that these policies are crazy, illogical, and unconstitutional and he intends to represent the business community by beating you here in the political arena or in the legal forum. When people realize they have made a wrong turn then they go back to the fork in the road and take the other path. The City of Valdosta has taken the anti-business path when they adopted the LDR and it needs to be repealed and replaced with all the rights and liberties that existed to the property owners and the citizens prior to its adoption. If we quietly suffer the abuses of this government that people like you put on us then we would not even have a Statue of Liberty and we would not deserve one either.

Dan Davis, 1001 Cherry Creek Drive, stated that if you read about car lots in the LDR, you will find that they are prohibited from parking cars at least 50 feet from the right-of-way unless they are bordered by residential property and then the setback becomes 200 feet. The minimum square footage allowed for a heated car lot office is 3,000 square feet but then the LDR limits the maximum amount of cars on the lot to 50. This would outlaw the only two remaining new car lots we have in Valdosta and almost every single used car lot in Valdosta. There are page after page of things that are anti-business in the LDR. We have almost run all of the car lots to the County. Mr. Davis stated that at the last meeting he spoke about a land use issue with the Five Points property and he was told when he got ready to speak that both sides would be limited to a total of 10 minutes. The person keeping time gave them 12 minutes and the people on the other side got about 20 minutes. The point is that if a citizen comes up to speak to Council about a zoning issue they are here with a passion because something has made them take time out of their afternoon. To limit a person to ten minutes for either side is disgusting. Mayor Fretti stated that it is a minimum of 10 minutes and not a maximum. Dan Davis stated that there were people there who wanted to speak but were denied their right to speak last time. Mayor Fretti stated that we could cap it at 15 minutes but the law says a minimum of 10 minutes. Mr. Davis stated that if someone is taking time out of their day to come before Council to speak then they need a chance to present their side. Mayor Fretti inquired as to how long Mr. Davis thought they should have. Mr. Davis stated that they should have however long it takes. If you have 25 people wanting to speak and you hold them to 5 minutes each then every one of them should have the opportunity to speak. Mayor Fretti stated that this is a very important moment of their time and with any government this is part of our customer service because this is something they may do one or two times in their life; however, there has to be some control and time limit at the meetings because it cannot be arbitrary. Mr. Davis stated that he did not have a problem with time limitations but he did have a problem with not letting people speak. Mayor Fretti stated that he was not in agreement with Mr. Davis and thought it happened fairly for everyone. Councilman Yost stated that he wanted to be fair and equal with Citizens to be Heard and when Floyd Rose came before Council and he asked each Council member a question, they went around the room and said they would not engage in any debate. If Council had a question they could ask it. There was some debate going on right now that should not be happening. If Council is going to do this right and be fair from start to finish, there should be no debate and if there is a question then they should ask a question and move on.

PUBLIC HEARINGS

ORDINANCE NO. 2011-6, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 1.31 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by Kevin Hollis (File No. VA-2011-05). The property is located at 1903 North

Forrest Street. The Planning Commission reviewed this request at their February Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that Kevin Hollis, representing Union Cathedral, Inc., is requesting to rezone approximately 1.31 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C). The property is located at 1903 North Forrest Street, which is along the east side of the road approximately 350' south of the intersection with East Park Avenue. This is the southern portion of the former Forrest Park Church of Christ property and it is currently developed with a commercial building (former church accessory building). The applicant is proposing to redevelop the property as a commercial daycare center. The property is located within the Neighborhood Activity Center Character Area on the Future Development Map of the Comprehensive Plan. The C-C zoning is an eligible classification in this Character Area as long as the property has frontage along a collector or arterial roadway, and North Forrest Street is a designated minor arterial. Commercial daycare centers are already a permitted use in C-N zoning; however, the existing building consists of two attached sections totaling approximately 18,000 square feet with an overall depth of approximately 190 feet. This building was constructed several years prior to the City's adoption of the LDR. Current development standards for C-N zoning limit the overall development density for building footprints to a maximum of 7,500 square feet per acre (9,825 square feet for 1.31 acres), and maximum building dimensions of 150 feet. The C-C zoning limits development density to 15,000 square feet per acre with no limitations on building dimensions; therefore, the existing building does not conform to C-N requirements but does meet the standards for C-C zoning. In addition, C-N zoning prohibits internally lit freestanding signs and C-C has no such prohibition. The applicant is proposing an internally lit sign as part of their proposed use for this property. In terms of general land use pattern, this area around the North Forrest Street and East Park Avenue intersection is dominated by both multi-family and non-residential uses. There is a proposed funeral home to the north, a strip shopping center to the northwest, and institutional uses nearby including churches and an elementary school. In terms of zoning patterns, there is existing C-C to the northwest, C-N to the north, O-P to the northeast, and mostly R-M and R-6 elsewhere. Since the existing development on the property is already more compliant with C-C zoning than C-N and there is very little difference in the range of allowable uses between C-C and C-N, the proposed rezoning should be considered compatible in that there will be virtually no change from what was already existing. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power and recommended approval. The Planning Commission reviewed this at their February 28, 2011 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval (9-0 vote).

Kevin Hollis, 3750 Boring Pond Road, spoke in favor of the request. Mr. Hollis stated that he represented the applicant, Union Cathedral Church, Inc., and asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Norton, seconded by Councilman Wright was unanimously 7-0 to enact Ordinance No. 2011-6, an Ordinance to rezone 1.31 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by Kevin Hollis, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-7, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 2.57 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by Kevin Hollis (File No. VA-2011-06). The property is located at 1601 East Park Avenue. The Planning Commission reviewed this request at their February Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that Kevin Hollis, on behalf of Gill Holdings Company, is requesting to rezone approximately 2.57 acres from Neighborhood Commercial (C-N) to Community Commercial (C-C). The property is located at 1601 East Park Avenue, which is at the southeast corner of East Park Avenue and North Forrest Street. This is the northern portion of the former Forrest Park Church of Christ property, and the property is currently developed with a vacant church building. The applicant is proposing to redevelop the property as a funeral home. The property is located within the Neighborhood Activity Center

Character Area on the Future Development Map of the Comprehensive Plan. The C-C zoning is an eligible classification in this Character Area as long as the property has frontage along a collector or arterial roadway. Both East Park Avenue and North Forrest Street are designated minor arterials. Funeral homes are not a permitted use in C-N zoning and require a more intensive commercial zoning such as C-C. Both of these districts are otherwise still very similar with the primary difference being that C-N more greatly limits the sizes of buildings and the overall density of development. The area around the East Park Avenue and North Forrest Street intersection contains both commercial and high-density residential (multi-family) uses; however, it is much more of a commercial area than it is residential, particularly with its relatively higher levels of traffic. The property is already fully-developed and contains a former church building that is more institutional in character than truly commercial. Adaptive reuse of this building for the proposed funeral home seems to be plausible, and the proposed C-C zoning is also considered compatible with the surroundings. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power and recommended approval. The Planning Commission reviewed this at their February 28, 2011 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval (9-0 vote).

Kevin Hollis, 3750 Boring Pond Road, spoke in favor of the request. Mr. Hollis stated that he represented the applicant, Gill Holdings Company, and asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Wright, seconded by Councilman Vickers, was unanimously 7-0 to enact Ordinance No. 2011-7, an Ordinance to rezone 2.57 acres from Neighborhood-Commercial (C-N) to Community-Commercial (C-C) as requested by Kevin Hollis, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2011-4, A RESOLUTION 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 132 North Patterson Street by Steel Magnolia Foods, LLC.

Mara Register, Assistant to the City Manager, stated that the funding is provided by the Georgia Department of Community Affairs (DCA) under the Downtown Development Revolving Loan Fund (DDRLF) or through the Georgia Cities Foundation (GCF) under the Georgia Municipal Association (GMA). From past projects, the City of Valdosta serves as a pass through for these loan funds. Through an Intergovernmental Agreement with the Central Valdosta Development Authority, the funds are then loaned to the private applicant or developer. The developer and the project stand as the collateral for the funding that comes from the State. The 50% local financing has first lien position and the loan funds which represent 40% project are in second lien position. The owner is required to put in at least 10% owner equity injection. The building is located at 132 North Patterson Street and has a current restaurant tenant whose lease will expire in May, 2011. The building is in excellent structural condition and is currently for sale by the owner. The project, which involves acquisition and rehabilitation of the subject property, is 4,656 square feet in size. The proposed owner and developer, Steel Magnolia Foods, LLC, is proposing to acquire and rehabilitate the structure to house a new restaurant to be managed by the project owner and developer. The building consists of three levels with the restaurant/store front, landing, and bar area on the mezzanine level, and a partial meeting/event space and storage area on the second level. The applicant, Ms. Keira Moritz, is requesting support of the Initial Project Assessment (IPA) and Resolution to be submitted to the Georgia Department of Community Affairs (DCA) and the Georgia Municipal Association (GMA) for application to the Downtown Development Revolving Loan Fund (DDRLF) and/or the Georgia Cities Foundation (GCF). Ms. Moritz has just discovered that approximately \$50,000 in equipment would need to be purchased and would not be part of the actual physical acquisition of the property. The architectural fees have gone up as well with the industry standard being 8% and those have also been added to the project. The total project cost is \$545,000 with owner's equity injection of \$54,500, 40% will be \$218,000, and the 50% private financing will be \$272,500. The developer also proposes to utilize the incentives available through the Historic Preservation Tax Credits for the actual

rehabilitation of the structure since the previous tax credits have expired. 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 March 15, 2011. The mandatory preliminary site visit has been completed by DCA and GMA staff. Mara Register recommended that Council approve the Resolution and IPA for the project.

A **MOTION** by Councilman Yost, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Resolution No. 2011-4, a Resolution authorizing the filing of an application for a Downtown Development Revolving Loan Fund (DDRLF) for the acquisition and rehabilitation of 132 North Patterson Street by Steel Magnolia Foods, LLC., the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2011-5, 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 303 North Patterson Street by Wes Sewell Photography.

Mara Register, Assistant to the City Manager, stated that this is a Resolution of support authorizing the filing of an application with the Georgia Department of Community Affairs for a Downtown Development Revolving Loan Fund (DDRLF) for the acquisition of a building located at 303 North Patterson Street. The building is currently occupied by Wes Sewell Photography and is currently owned by Emillee, LLC. It is in sound structural condition and does not require any repair or rehabilitation after acquisition. The proposed owner, Wes Sewell Photography, would like to acquire the structure to continue to house and operate his successful photography studio. The building consists of approximately 2,090 square feet and is for sale for \$120,000. Mr. Sewell is requesting support of the Initial Project Assessment (IPA) and Resolution to be submitted to the Georgia Department of Community Affairs (DCA) and the Georgia Municipal Association (GMA) for application to the Downtown Development Revolving Loan Fund (DDRLF) and/or the Georgia Cities Foundation (GCF). Due to the proposed loan amount, either DDRLF or GCF funds will provide \$96,000 or 80 percent (80%) of the acquisition cost and the proposed owner will provide 20 percent (20%) equity in the amount of \$24,000. 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 March 15, 2011. The mandatory preliminary site visit has been completed by DCA and GMA staff. Mara Register recommended that Council approve the Resolution and IPA for the project.

A **MOTION** by Councilman Norton, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Resolution No. 2011-5, a Resolution authorizing the filing of an application for a Downtown Development Revolving Loan Fund (DDRLF) for the acquisition 303 North Patterson Street by Wes Sewell Photography, the complete text of which will be found in Resolution Book V.

ORDINANCE NO. 2011-8, AN ORDINANCE FOR A MORATORIUM ON ACCEPTING APPLICATIONS FOR BUSINESS LICENSES AND OTHER PERMITS FROM SWEEPSTAKES/CAFÉ PARLORS IN THE CITY OF VALDOSTA

Consideration of an Ordinance for a Moratorium on accepting applications for business licenses and other permits from Sweepstakes/Cafe Parlors in the City of Valdosta.

George Talley, City Attorney, stated that the Ordinance for a moratorium on accepting applications for business licenses and other permits from sweepstakes/café parlors in the City of Valdosta would be amended to change the six-month moratorium to 120 days. There may be some litigation on this but the City needs to move forward. Larry Hanson, City Manager, stated that the 120 days will get us beyond July 1, 2011 and by then we will have either made local changes or State law will have been enacted or clarified. This is temporary in nature and we want no more time than necessary for due diligence. Councilman Payton inquired as to the difference of sweepstakes parlors and Internet cafes. Police Chief Frank Simons stated the typically when Internet cafés appeared they were places you could go to access the Internet without any gaming aspect as part of it. Larry Hanson, City Manager, stated that the objective is not to exclude or include a Downtown restaurant that just has a Wi-Fi hotspot. This is an issue all over the State of Georgia and other states, such as North Carolina and Alabama, have already acted to explicitly prohibit these things. Mayor Fretti stated that we have a request in at the Attorney

General's office for some further information. Councilman Norton inquired as to whether this moratorium would prevent new businesses from offering Wi-Fi between now and July 1, 2011. Larry Hanson stated that it would not unless they had some gaming component. Larry Hanson recommended that Council approve the Ordinance.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the revised Ordinance as proposed by the City Attorney and Police Chief and enact Ordinance, 2011-8, an Ordinance for a Moratorium on accepting applications for business licenses and other permits from Sweepstakes/Cafe Parlors in the City of Valdosta for 120 days.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a request to approve a Georgia Power Pole Attachment License Agreement.

Larry Hanson, City Manager, stated that for many years the City has attached cameras to Georgia Power poles primarily for traffic management purposes. In recent years, the Police Department has also utilized the poles for cameras in specific areas. Georgia Power had a previous agreement and they were looking at a separate agreement for the more recent cameras; however, they recognized it was to everyone's best interest to have one comprehensive Pole Attachment Agreement. Georgia Power had drafted one internally that was being used in other cities and had presented it to the City of Valdosta for signatures which would replace the one we have had for many years. Upon review, we brought some concerns to their attention, and they were very gracious and willing to have it reviewed in Atlanta. Some changes were made in terms of Georgia Power waiving the right to collect a license fee and not charging for a pole attachment count. Also, on the insurance requirements it was initially \$5 million but that was changed to \$1 million in liability and \$1 million in aggregate claims. This will now be a model Agreement used for the rest of the State. The effective date will be when Georgia Power makes written acceptance of Agreement and it will remain in effect until terminated in accordance with the provisions in the Agreement. Larry Hanson recommended that Council approve the Georgia Power Pole Attachment License Agreement.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the Georgia Power Pole Attachment License Agreement.

LOCAL FUNDING AND REQUESTS

Consideration of an amendment to the Mayor and Council Policy Procedures and Guidelines.

Larry Hanson, City Manager, stated that at the Mayor and Council Retreat held on March 4-5, 2011 in Lenox, Georgia, Council directed Staff to prepare an amendment to the Mayor and Council Policy Procedures and Guidelines. The change under Citizens to be Heard will institute a five minute per person requirement for their comments.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to approve an amendment to the Mayor and Council Policy Procedures and Guidelines.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Mayor and Council Retreat held last weekend went very well and Staff was glad to work with the Mayor and Council in establishing goals.

The Country Club Road Project was completed early and the road was reopened yesterday.

Housing activities are being planned in the Tom Town neighborhood and a meeting will be held on Monday, March 14, 2011 at 6:00 p.m. at the Mt. Calvary Church. Approximately 160 letters were sent out to homeowners in that area inviting them to the meeting and we anticipate good interest in this targeted neighborhood redevelopment effort.

There was a meeting this week to begin implementing one of the Mayor and Council goals for a Downtown Farmers Market. Amanda Peacock, Main Street Manager, and Mara Register, Assistant to the City Manager, were in attendance as well as some Council members.

The Utilities Department received a letter from the Georgia Department of Natural Resources commending the City for implementing a high quality Stormwater Management Program.

The Census Bureau announced this afternoon that they have released the first series of population information and the second set of states will be released next week which will include Georgia. The information includes population down to the census block, tract, and political districts, and will be the information we have been waiting on for the redistricting.

COUNCIL COMMENTS

Councilman Wright stated that there will be a banquet for SOS and tickets are available if anyone is interested in purchasing some. His son, who is getting ready to graduate and is in the IB Program, needed to complete his community service. He can use the work done on the Community Trail to count for the community service and for \$10 you not only support the Trail but you get children involved in community service.

Councilwoman White stated that on Tuesday, March 8, 2011, she was invited to attend a small gathering with the Secretary of the Air Force, Mike Donley. At a conference table setting, he was given a presentation by Moody Behavioral Health Service personnel about their ongoing efforts to sustain and help all of our Airmen in active duty. He listened very sincerely and intently to the presentation and then extended to Councilwoman White his gratitude for the support that Moody and all of the Airmen feel from the community.

ADJOURNMENT

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

A MOTION by Councilman Norton, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the March 10, 2011 meeting of the Valdosta City Council at 7:11 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:44 p.m. and stated that there was discussion of litigation and real estate in the Executive Session and no action was taken.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (7-0) to adjourn the March 10, 2011 meeting of the Valdosta City Council at 7:45 p.m. to meet again in regular session on Thursday, March 24, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta