

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, MARCH 11, 2010**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John J. 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, Alvin Payton, Deidra White, John Eunice, Robert Yost, and James Wright. The invocation was given by Pastor Bob Willis, Northside Baptist Church, followed by the Pledge of Allegiance. Mayor Fretti welcomed Boy Scout Troup 411 sponsored by Lighthouse Baptist Church.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE MARCH, 2010 EMPLOYEE OF THE MONTH AWARD**

Mayor Fretti entertained a motion for the March, 2010 Employee of the Month Award.

A **MOTION** by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the March, 2010 Employee of the Month Award.

Mayor Fretti presented the March, 2010 Employee of the Month Award to Sheri Johnson, Community Development Department.

Sheri Johnson began her employment with the City of Valdosta's Community Development Department in October, 2005 as a Code Compliance Investigator which is the position she currently holds. In this position, Ms. Johnson is responsible for the investigation of citizen's complaints regarding alleged violations of Construction Codes and the verification of Code compliance. This position not only requires an understanding of City Codes, but it also requires the ability to successfully process violations through the court system and testify in support of the case when necessary. Many times her job simply consists of verifying whether a contractor has obtained the required building permit before beginning work. While Ms. Johnson's efforts play an important role in ensuring proper procedures are followed to protect the interests of our citizens, she often helps in other critical areas when asked. As an example, she recently assisted the Business License Department in processing a back log of applications to expedite this service to local business owners. When the Permitting Department needed help in scanning information into a new system, Sherri jumped in to help. While in the field investigating cases, she frequently helps the Zoning Department with signage issues freeing these employees to perform other tasks. These are just a few examples of how Sheri goes above and beyond her assigned duties to make the jobs of others easier and to accomplish the goals set by the City. Henry Ford once stated, "If everyone is moving forward together, then success takes care of itself." These words ring true today and are carried forward by the efforts of employees such as Sheri Johnson who are ever ready to contribute to the team effort, thereby enriching us all. For these reasons and many others, the Employee Relations Committee nominated Sheri Johnson as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the February 25, 2010 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

**CITIZENS TO BE HEARD**

There were no citizens to be heard.

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE POSTPONED**

Consideration of an Ordinance to rezone .61 acres from Single-Family Residential (R-15) to Office-Professional (O-P) as requested by Sangita Gupta (File No. VA-2010-06). The property is located along the west side of Gornto Road approximately 200 feet south of High Point Drive. The Planning Commission reviewed this request at their February Regular Meeting and recommended denial (6-3 vote). The applicant has requested that the rezoning case be postponed for two months in order to meet with the neighborhood in an effort to reach an amicable agreement regarding the use of the property.

Tracy Tolley, Planner I, stated that the applicant is requesting to rezone 0.61 acres Single-Family Residential (R-10) to Office-Professional (O-P). The property is located across the street from the west parking lot of the Valdosta Stadium Cinemas and immediately north of the Peachtree Plaza commercial center. It is currently developed with Single-Family houses, and the applicant is proposing to redevelop the property as professional offices. The adjacent properties are a blend of community uses and there is a substantial neighborhood located to the north and behind these parcels. The site plan depicts the two existing structures with 13 paved parking spaces in the front yard, buffering along the north and west sides, as well as a transitional buffer between part of the parking and the street. There is also one ingress/egress shown. The Land Development Regulations does not permit parking in the front yard in O-P zoning; however, the LDR does permit consideration of an administrative variance to this provision provided a 10-foot landscaped buffer is installed between the parking and the roadway. The parcel is within an Established Residential Character Area on the Future Development Map of the Comprehensive Plan. Staff had serious concerns about the potential of changing the character of an Established Residential Character Area. Allowing additional rezonings for non-residential uses in this area would further encroach upon an established Single-Family neighborhood. Additionally, the existing two lots are still viable properties for residential uses, which should continue. Section 202-6(c) of the Land Development Regulations states: "Within the various Character Areas described in this chapter and shown on the Future Development Map of the Comprehensive Plan, no amendment to the official zoning map shall permit a Zoning District except in accordance with the districts permitted in the Comprehensive Plan character area applicable to the property to which the proposed zoning map amendment applies." The applicant is asking for O-P zoning which is not a supported Zoning District within an Established Residential Character Area. Section 242-4(a)(3)(b) of the LDR requires, in this circumstance, that the Comprehensive Plan be amended to include the previously inconsistent Zoning District before the rezoning request is officially submitted. The Planning Commission reviewed this request at their February 22, 2010 regular meeting and recommended denial of the request (6-3 vote). Rationale for the recommendation included inconsistency with the Comprehensive Plan and the Plan's Future Development Map, as well as negative impacts and adverse encroachment into an established residential neighborhood. Councilman Yost inquired as to what Matt Martin, Interim Planning and Zoning Administrator, had come up with as far as postponing the request, the cost associated with postponement, and who would pay the cost for re-advertisement. Mayor Fretti stated that it was recommended in a Memorandum from Matt Martin that the applicant would be directed to pay. Larry Hanson stated that the research indicated if it was postponed for longer than two weeks then it would have to be re-advertised but was silent as to whose responsibility it would be to pay those costs. Matt Martin had recommended that in the case where the applicant was requesting the postponement that it would be logical for the applicant to pay. Larry Hanson stated that traditionally the Council has tabled requests for 30 days and suggested that the LDR be amended to allow a 30-day postponement without the cost to any party for re-advertising. We could possibly set aside the LDR in this event for this one time while it is amended so that no one has to pay for the cost of re-advertising. Councilman Yost stated that he was not worried about how much it cost except that they pay but recommended that someone come back to Council as soon as possible with an Amendment or they should discuss it at the Mayor and Council Retreat. Councilman Eunice stated that this is unique in that the applicant is requesting a 60-day postponement rather than a 30-day postponement. Mayor Fretti stated that with the Amendment that was mentioned it would trigger a re-advertisement and the applicant would be asked to pay for that too. Larry Hanson stated as a rule of thumb if it exceeds 30-days it would appear to be appropriate that the party requesting the postponement beyond the norm be responsible for paying. Mayor Fretti stated that it should not cost the taxpayers for a postponement requested by an applicant. Councilman Vickers stated that it this needs to be clear in the policies and procedures because they do

not need to be changing the rules in the middle of the ballgame. Mayor Fretti stated that he was in agreement and when the LDR was almost completely rewritten a year ago and they were told that there would be some minor adjustments for the next year or two. Councilman Vickers stated that there will always be changes but when something is found that needs to be corrected they need to go ahead and correct it at that time.

Mayor Fretti stated that if it is Council's discretion to postpone the request then the Public Hearing portion of this request would be heard at the time when it is called for action to approve or reject. Councilman Eunice stated that he knew how frustrating it was for residents to attend a Council meeting anticipating an up or down vote on an issue; however, in the six years that he has been on Council they have always agreed to postpone a request if the applicant has so requested. Councilman Eunice stated that he would offer a motion since the applicant was requesting a postponement for 60 days.

**A MOTION** was made by Councilman Eunice to postpone the request for 60 days to rezone .61 acres from Single-Family Residential (R-15) to Office-Professional (O-P) as requested by Sangita Gupta and for the applicant to pay all costs for re-advertising of this case when that occurs. Councilman Vickers seconded the motion. The motion was unanimously adopted (6-1) with Councilman Carroll voting in opposition.

**LOCAL FUNDING AND REQUESTS**

Consideration of a request to approve the FY2010 Annual Action Plan allocating Community Development Block Grant (CDBG) funds.

Mara Register, Assistant to the City Manager, stated that the Community Development Block Grant-Recovery (CDBG-R) Project was discussed at the Work Session and based on additional information for the Mayor and Council to review at the upcoming Retreat, asked that this request be postponed until the March 25, 2010 regular Council Meeting.

**A MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to postpone the request to approve the FY2010 Annual Action Plan allocating Community Development Block Grant (CDBG) funds for two weeks until the March 25, 2010 regular Council Meeting.

Consideration of an Amendment to the Community Development Block Grant-Recovery (CDBG-R) Project.

Mara Register, Assistant to the City Manager, stated that City of Valdosta was allocated \$159,373 in Community Development Block Grant-Recovery (CDBG-R) funds in 2009. The City proposed to allocate \$143,436 in funds for water and sewer construction as part of the MLK Corridor Project and \$15,937 for program administration. A technical issue arose when the date of the contract for water and sewer construction was one day before the date of final approval from the U. S. Department of Housing and Urban Development (HUD). Due to this issue of one day, HUD determined that the funds must be reallocated to a different project. Staff is recommending that the \$143,436 be allocated to additional construction costs related to the MLK Corridor Project to include streets, sidewalks, curb, gutters, and utility upgrades/improvements in Phase I of the Project. Staff has completed the required amended Citizen Participation steps to include publication in the Valdosta Daily Times with a seven-day comment period and conducted a Public Hearing on Monday, March 1, 2010. No comments were received at the Public Hearing. Upon approval of the proposed amendment by the Mayor and City Council, the amended CDBG-R documentation will be forwarded to HUD for review and approval. Mara Register recommended that Council approve the Amendment to the Community Development Block Grant-Recovery (CDBG-R) Project. Councilman Vickers inquired as to when they anticipate utilization of these funds for the MLK Corridor Project. Mara Register stated that the Engineering Department is currently waiting on the Georgia Department of Transportation and it will be within the next 60 days; however, they will work together to expedite this Project.

A **MOTION** by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (7-0) to approve an Amendment to the Community Development Block Grant-Recovery (CDBG-R) Project.

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

Consideration of an agreement with the Georgia Department of Transportation for the Tucker Road Bridge Project Framework.

Von Shipman, City Engineer, stated that in 2001, the Georgia Department of Transportation (DOT) took over the preliminary engineering for the Tucker Road at Dukes Bay Canal bridge replacement from the City of Valdosta. Their records indicate that a new Project Framework Agreement (PFA) was not executed between the DOT and the City. The bridge is currently closed due to severe problems discovered by the DOT Bridge Inspectors and construction on this project is scheduled to begin in 2011. The State is required to pay 20% of the preliminary engineering and Federal is required to pay 80% so there will be no expense to the City other than acquisition of right-of-way and relocation of utilities. The \$800,000 construction project will be paid for with 100% State and Federal transportation funds. Von Shipman recommended that Council approve the agreement with the Georgia Department of Transportation for the Tucker Road Bridge Project Framework. Councilman Yost inquired as to why the project was not scheduled to begin until 2011. Von Shipman stated that the funding for this project will be through the Transportation Improvement Program and it is programmed to be spent in 2011. The Engineering Department has hired a third party to acquire the necessary right-of-way using the Federal Uniform Act Rules and Regulations which is required since this is a Federally-funded project.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve an agreement with the Georgia Department of Transportation for the Tucker Road Bridge Project Framework.

Consideration of a contract for the design and construction oversight for the Mud Creek Wastewater Treatment Plant biosolids expansion plan.

Henry Hicks, Utilities Director, stated that in 2008, Camp Dresser & McKee, Inc. (CDM) was contracted by the City of Valdosta to design the expansion of the Mud Creek Wastewater Treatment Plant to include biosolids handling and treatment, perform a comprehensive study of solids handling and treatment processes at both the Withlacoochee and Mud Creek Wastewater Treatment Plants, and to make recommendation on alternatives for future disposal. In 2009, CDM presented a Biosolids Management Master Plan which recommended thermal drying at the Mud Creek Facility. To prepare for the future possibility of thermal drying a dewatering process would need to be implemented as an initial step and it was determined that the belt filter press dewatering process was selected as the best fit. The expansion of the Mud Creek Wastewater Treatment Plant is currently underway, but the biosolids handling portion of this project was not included due to the fact that work needed to be started immediately to meet American Reinvestment Recovery Act (ARRA) Funding requirements. The Georgia Environmental Facilities Authority (GEFA) loan for this project has adequate funds available to cover the costs associated with the dewatering process design and construction work. CDM's original contract calls for design of both the plant expansion and the biosolids and we are now prepared to proceed with this phase of the project. A biosolids disposal plan for the Mud Creek facility is a necessity to meet regulatory requirements. The existing dewatering process is obsolete and does not meet current regulatory standards. Implementation of a belt filter press dewatering process is also successfully being used at the Withlacoochee Wastewater Treatment Plant and would significantly reduce current landfill disposal costs at the Mud Creek Facility. In addition, the Utility Department is currently looking into a private sector partnership with a Biomass Electric Generating Facility where the dewatered biosolids process byproducts could be blended into the biomass fuel used in the generation of electricity. If an acceptable water and sewer services contract is negotiated with this electric generating facility, biosolids costs associated with the landfill would be eliminated for both the Mud Creek Plant and possibly the Withlacoochee Plant. Henry Hicks recommended that Council approve the scope and contract with CDM for design and construction oversight services of a biosolids handling facility at the Mud Creek Wastewater Treatment Plant in the amount of \$322,539.

A **MOTION** by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (7-0) to approve a contract with CDM for the design and construction oversight services of a biosolids handling facility at the Mud Creek Wastewater Treatment Plant in the amount of \$322,539.

**CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that the Mayor and Council Retreat will be held March 12-13, 2010 at the Lenox River Ranch in Lenox, Georgia. Councilman Vickers inquired as to whether they would meet on Sunday, March 14<sup>th</sup>. Larry Hanson stated that in the past they met for a half day on Friday and Sunday but they have now changed it to a full day on Friday and Saturday.

Larry Hanson, City Manager, also thanked the Mayor and Council for their thoughts and concerns during his recent health issue.

**COUNCIL COMMENTS**

Councilman Carroll inquired as to when he would receive his jump drive for the Mayor and Council Retreat. Mayor Fretti stated that he should receive it after the Council meeting.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll was unanimously adopted (7-0) to adjourn the March 11, 2010 meeting of the Valdosta City Council at 6:05 p.m. to meet again in regular session on Thursday, March 25, 2010.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta