

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, MARCH 19, 2009
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., Willie Head, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Councilman John Eunice, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

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

Mayor Fretti stated that it was his mother's 80th birthday and he just received news that his brother had landed at the Valdosta Regional Airport. Mayor Fretti asked for Council's indulgence in being excused from the meeting in order to spend time with his family. Mayor Pro Tem Willie Head, Jr. was asked to preside over the meeting and Mayor Fretti left at 5:35 p.m.

CITIZENS TO BE HEARD

Ken Klanicki, 2208 Jerry Jones Drive, stated that some private citizens had approached him about some concerns they had pertaining to the City. He has had more than one long time employee of the City come to him regarding a vested health plan which is on the verge of being discontinued. Mr. Klanicki stated there was a letter sent out last week, which he has not seen, that indicated if the employees do not accept the new health plan then it would be discontinued and if they retired early there would have no health coverage beyond a certain retirement date. These employees have made a long term commitment to the City. Mr. Klanicki stated that with the health costs rising for every municipality, entity, company, and State, he understood that some adjustment has to be made; however, these the employees have indicated that there was a recent resolution passed by Council and they would receive free health care and health insurance while they are still members of the Council but after they leave the Council that would no longer be part of their tenure. Mr. Klanicki asked for clarification on the new health plan and that the concerns of the long time employees were addressed.

George Boston Rhynes, 5004 Oak Drive, stated that on March 6, 2009, the headline of the Valdosta Daily Times read, "Appointment Causes Rift at Council Meeting." He appreciated the openness of our government and the questions that are asked in the public eye. Mr. Rhynes inquired as to whether anyone knew Melvin Louis Jenrette. He is approximately the 27th inmate that has died in or around the Lowndes County jail but the local media has not said anything about it. Mr. Rhynes stated that he has gone to the local media and still nothing has been mentioned. He has also spoken with the Sheriff and he was very receptive; however, it seems like there is a concerted effort to keep the people deaf, dumb, and blind and unable to make an intelligent decision based on facts.

Fred Foley stated that Council would be taking a vote on whether to correct a problem with a ditch on Park Lane and he was not sure what was going to take place with that repair. Mr. Foley asked if someone could provide him with information on the project prior to the vote being taken. Larry Hanson, City Manager, stated that Jim Martinez, Project Manager with the Engineering Department, could provide him with the information.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for two new play structures at Greer Park and Wood Valley Community Center and adding rubber surfacing at Drexel and Harrington Parks (RFP No.23-08-09).

Greg Brown, Purchasing Agent, stated that the Parks and Recreation Department currently has money available in the SPLOST account to purchase two new play structures for Greer Park and Wood Valley Community Center and to add rubber surfacing at Drexel Park and Harrington Park. To encourage creativeness, a Request for Proposal format was used so that price was not the only determining factor in the recommendation. Six proposals were received and rated by three Committee members and Hasley Recreation and Design was ranked number one. Councilmen Vickers and Robert Yost also reviewed the Committee's recommendation. The price offered was a total of \$155,561 and \$51.85 per 8 feet section of "J" curb needed at Harrington Park. The exact amount of "J" curb at Harrington Park is not known due to moving an existing swing set to the existing play structure area. Greg Brown recommended that Council approve the Proposal submitted by Hasley Recreation and Design in the amount of \$155,561 for two new play structures at Greer Park and Wood Valley Community Center and to add rubber surfacing at Drexel Park and Harrington Park and \$51.85 per 8 feet section of "J" curb needed at Harrington Park.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to follow the recommendation of the Purchasing Agent and approve the Proposal submitted by Hasley Recreation and Design in the amount of \$155,561 for two new play structures at Greer Park and Wood Valley Community Center and to add rubber surfacing at Drexel Park and Harrington Park and \$51.85 per 8 feet section of "J" curb needed at Harrington Park.

Consideration of bids for 14 Zebra In-Car Citation Printers for the Police Department (Bid No. 34-09-06).

Greg Brown, Purchasing Agent, stated that Mayor and Council formally approved the sole source purchase of a digital ticketing system from Advanced Public Safety in July, 2004. This bid is for 14 printers, software, and annual maintenance to replace existing equipment and add to patrol vehicles not currently equipped. The Police Department requested that the units and software be supplied by Advanced Public Safety again in the amount of \$13,499.45. This company originally supplied 62 units which Mayor and Council approved in 2004 and they are the only company that interfaces with the City's Motorola MDT. Their software is proprietary but the actual printers are not. Greg Brown received information from two other companies that the printers are more expensive from those companies than what is being offered by Advanced Public Safety. Approximately \$500 will come from the Police Condemnation Fund with the balance being covered by the JAG grant. Greg Brown recommended that Council approve the bid submitted by Advanced Public Safety in the amount of \$13,499.45 and allow the Police Department to proceed with the purchase.

A MOTION by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (6-0) to follow the recommendation of the Purchasing Agent and approve the bid submitted by Advanced Public Safety in the amount of \$13,499.45 for 14 Zebra In-Car Citation Printers and allow the Police Department to proceed with the purchase.

Consideration of bids for Park Lane drainage improvements.

Jim Martinez, Engineering Project Manager, stated that the existing ditch between 2213 and 2215 Park Lane was identified as a serious maintenance issue in the fall of 2008. Crews Engineering, Inc. was hired to investigate options and ultimately design the required improvements. The subdivision was developed in the early 1960s when subdivision standards were much different from what they are today. Perpendicular ditches were allowed throughout this subdivision. In the early 1970s, the property known at 2213 was developed. It is unknown when or who constructed walls along the ditch to allow the adjoining properties to have more useable property. Over time the wall has developed serious problems. The owner of the 2213 property expressed concern about the settlement of ground in the vicinity of her house. Replacing the walls or piping the ditch were the two options considered. Considering hydraulic factors along with the cost, maintenance, and longevity of both options, a decision was made to pipe the ditch. During the investigation it was also discovered the existing pipes under Park Lane were made of corrugated metal. Because the normal life of this type of material is only 20 years and it is no longer an approved material for use on the City right-of-way, replacement of this pipe was also included since it is almost 50 years old. The Engineering estimate was \$98,200. The low bid was in the amount of \$73,555. Jim Martinez recommended that Council approve the low bid submitted by Southern Allied in the amount of \$73,555 plus a 10% contingency with the requirement that the property owner of 2213 Park Lane sign an approved document prepared by the City Attorney which releases the City from any damage claim to her house. Councilman

Vickers inquired as to whether they had contacted the owner of the property located at 2213 Park Lane about the contract. Jim Martinez stated that he had just spoken with the property owner and she has been in contact with Von Shipman, City Engineer, but he was unaware that any agreement was to be presented to her. Councilman Yost inquired as to whether tonight was the first time the property owner was presented with the agreement. Jim Martinez stated that she had not been presented with the agreement but was made aware of it and he had not yet received an agreement. George Talley, City Attorney, stated that he had tried to reach Von Shipman late Tuesday but Von was out of the office. Larry Hanson, City Manager, stated the City has been aware of this drainage issue and hired a structural engineer who concluded that the ditch needed to be replaced but it was not the cause of foundation erosion underneath the house at 2213 Park Lane. The property owner was provided with a copy of the structural engineer's report several months ago. The request could be postponed in order to give the City Engineer and the City Attorney some time to draft an agreement but the work to be done was contingent upon that because the report stated that the City had no liability for the damage that was on her property and that is all the agreement would state. Mayor Pro Tem Head stated that it may be difficult for the property owner to dissect that from the report compared to a smaller agreement and asked Council to consider due diligence and let the property owner receive the agreement and then discuss it with the City Engineer. Councilman Yost stated that he felt Council should proceed with approving the request so that the work can be done even though they could have done a better job in getting the agreement to the property owner for signature and then brought back to Council prior to the meeting. Councilman Eunice stated that the work would not begin until after the agreement is signed according to the way this is worded so even if this is approved tonight they could still meet with the property owner next week to review the agreement and obtain a signature. Larry Hanson stated that Von Shipman has been out sick and he was not familiar with the communication Von has had with the property owner. Council could approve the request with a condition and if an agreement was not reached then they could come back to Council and not allow the project to start. It will take two to three weeks just for the processing of paperwork so the work will not start next week.

A MOTION by Councilman Yost, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve the low bid was submitted by Southern Allied in the amount of \$73,555 plus a 10% contingency for Park Lane drainage improvements with the requirement the property owner of 2213 Park Lane sign an approved document prepared by the City Attorney that releases the City from any damage claim to her house.

Consideration of a request to approve the 2010 Group Work Camp Co-Sponsor Agreement.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta has committed to eliminate all substandard housing in the community by 2020. The City has successfully completed four Southern Hospitality Work Camps and repaired 183 homeowner occupied homes through this effort. During the recent Mayor and Council Retreat, it was discussed that there would not be a 2009 Group Work Camp due to the economy and lack of registrations by participants; however, the 2010 Camp will be a Senior High Camp and once again, a national training site for the Group Work Camp Foundation, Inc. More than 350 youth, representing many denominations and states, will come together in our City to repair more than 40 houses in one week. Each participant pays \$399 each to cover food and housing costs. The project requires a \$19,000 monetary sponsorship to support the purchase of supplies for the repairs. One-half of the funds (\$9,500) are proposed from the City and the remaining \$9,500 is provided by Lowe's Distribution Center. The Valdosta School System will house and feed the volunteers at the Valdosta Middle School. The school system has already executed the 2010 Lodging Agreement with Group Work Camp Foundation, Inc. The City of Valdosta will conduct the overall project administration. Mara Register recommended that Council approve the 2010 Group Work Camp Co-Sponsor Agreement.

A MOTION by Councilman Eunice, seconded by Councilman Wright, was unanimously adopted (6-0) to follow the recommendation of the Assistant to the City Manager and approve the 2010 Group Work Camp Co-Sponsor Agreement.

Consideration of bids for Martin Luther King, Jr. Drive Phase 1 water/sewer improvements.

Jim Martinez, Engineering Project Manager, stated that the existing water and sewer infrastructure on Martin Luther King, Jr. Drive is very old and needs to be rehabilitated or replaced in advance of the Martin Luther

King monument and corridor improvement projects. The Utility and Engineering Departments collaborated to produce plans to remove, replace or rehab water and sewer mains along with the installation of new services for the section of Martin Luther King, Jr. Drive from Patterson Street to Lee Street. The Engineering estimate was \$207,000. Bids were received on March 17, 2009 at 10:00 a.m. with the low bid submitted by Southern Allied Contractors in the amount of \$164,000. The contractor will be allowed to begin work the week of April 6th. Jim Martinez recommended that Council approve the low bid submitted by Southern Allied Contractors in the amount of \$164,000 plus a 10% contingency.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (6-0) to approve the low bid submitted by Southern Allied Contractors in the amount of \$164,000 plus a 10% contingency for Martin Luther King, Jr. Drive Phase 1 water/sewer improvements.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve an invoice for additional work on the Moss Way reconstruction project.

Jim Martinez, Engineering Project Manager, stated that Council approved a total of \$33,866.80 for the reconstruction of Moss Way Circle in 2008. During the course of construction the subsurface conditions were much worse than expected. Due to the abnormal elevation of groundwater, a sub-drain pipe was installed to intercept and discharge the groundwater away from under the pavement in the cul-de-sac. Additional pavement was also removed which was first thought to be salvageable. Basically the entire cul-de-sac had to be removed. The final invoice indicates an additional \$13,458.70 that is needed to close out this project. Citizens on this street are extremely pleased with the project and the fact it was repaired in a fashion that will last. Jim Martinez recommended that Council approve the additional amount of \$13,458.70 to close out this project.

A MOTION by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve the additional amount of \$13,458.70 to close out the Moss Way reconstruction project.

RESOLUTION NO. 2009-3, A RESOLUTION OF SUPPORT AND TO DESIGNATE WOODLAWN TERRACE APARTMENTS AS A SIGNATURE COMMUNITY DEVELOPMENT

Consideration of a request by The Gateway Companies to approve a resolution of support and to designate Woodlawn Terrace Apartments as a Signature Community Development.

Mara Register, Assistant to the City Manager, stated that The Gateway Companies is requesting a Resolution of Support and a letter designating Woodlawn Terrace as the City's Signature Community development for their proposed tax credit application to be submitted to the Georgia Department of Community Affairs (DCA). The deadline for submission of the application to DCA is May 21, 2009. The applicant has provided the following items: (1) Letter of project notification submitted to the City Manager's office outlining the proposed project dated January 5, 2009, (2) Letter requesting designation as the City of Valdosta Signature Community development dated January 21, 2009, (3) Synopsis of the proposed Woodlawn Terrace apartments project, (4) Letter and mailing list for the mandatory public hearing that was held on February 20, 2009, (5) Publisher's Affidavit from the Valdosta Daily Times with the legal advertisement for the mandatory public hearing, (6) Sign-in sheets from the public hearing held at Woodlawn Forest Church of Christ held on February 20, 2009, (7) PowerPoint Presentation that was made by the Gateway Companies at the public hearing on February 20, 2009, (8) Public hearing transcript, (9) Site plan of the proposed development, (10) Sample letter of support for designation as the City's Signature Community development, and (11) Resolution of support for the proposed Woodlawn Terrace apartments. The City's policy also requires that the developer provide a copy of the Market/Feasibility Study for new construction projects which has been delivered to the Mayor and Council. Mr. Tommy Ward of The Gateway Companies is also in attendance to answer any questions. Councilman Wright inquired as to where The Gateway Companies was located. Mara Register stated that they were located in Florence, Alabama and Ambling Companies will be the actual on-site manager once the project is constructed.

Tommy Ward, The Gateway Companies, stated that they have had two projects in Valdosta, Heron Lake I and Heron Lake II, and they are the most successful properties they have had in the past five years. The property for the current project is located adjacent to the Woodlawn Forrest Church of Christ and is on their property. The Gateway Companies will enter into a 45-year lease with the Church and the property will convert to the Church at the end of the lease. In the meantime, The Gateway Companies will provide affordable housing to the elderly (55 years and older). There will be 30 one bedroom units and 30 two bedroom units with rent being \$330 per month for a one bedroom and \$495 for a two bedroom. Ambling Construction will be the construction firm, Ambling Management will be the manager, and Coleman Talley, LLP is the legal counsel for The Gateway Companies for the entire State of Georgia. Councilman Wright inquired as to whether the ingress and egress would be off of Forrest Street and nothing going through Ponderosa Drive. Mr. Ward stated that Forrest Street would be the only ingress/egress but if the City requires an excel or decel lane and if they get funded by the State then they will come back to the City with all the plans and the Engineers would let them know what is required.

A MOTION by Councilman Wright, seconded by Councilman Payton, was unanimously adopted (6-0) to approve request by The Gateway Companies and enact Resolution No. 2009-3, a resolution of support and to designate Woodlawn Terrace Apartments as a Signature Community Development, the complete text of which will be found in Resolution Book IV.

RESOLUTION NO. 2009-4, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR COMMUNITY HOME INVESTMENT PROGRAM (CHIP) GRANT FUNDS WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

Consideration of a request to apply for grant funds from the Georgia Department of Community Affairs (DCA) FY 2009 CHIP Application Cycle.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta has successfully completed four CHIP grants from 1998, 2001, 2002 and 2004 that resulted in the construction of 75 homes for first-time homebuyers. In addition to the 75 new home constructed under these grants, the City has also completed 12 homes under the reconstruction activity, 4 homes under the rehabilitation activity, and provided two Valdosta Housing Authority residents the opportunity to purchase a housing authority home under the down-payment assistance activity. Under the 2006 and 2007 CHIP grants currently underway, fifteen down payment assistance projects have closed on their loans and there are seven reconstruction and two rehabilitation projects in process at this time. The remaining 2007 CHIP grant will provide for six rehabilitation projects, eight reconstruction projects, ten down-payment assistance projects and ten Valdosta Housing Authority projects. The City is seeking funding in its 2009 CHIP application for \$300,000 to provide down-payment assistance to families who will become first-time home buyers and Valdosta Housing Authority residents seeking to purchase Valdosta Housing Authority Single Family units. The City will work with affordable housing developers in the down-payment activity to provide affordable housing for first-time homebuyers or assist buyers in the purchase of their home. The City will continue to work with the Valdosta Housing Authority on the purchase program for first-time homebuyers as was done in the 2004 and 2006 CHIP grants. The City is currently seeking funding to assist in providing down-payment assistance to fifteen (15) Valdosta Housing Authority families who have completed homebuyer education and counseling. The City will also provide down payment assistance to at least ten (10) families who apply for first-time homeownership assistance and who complete the required Homebuyer Education through a DCA certified program. No match is required for CHIP applications. Mara Register recommended that Council approve the request to apply for grant funds from the Georgia Department of Community Affairs (DCA) FY 2009 CHIP Application Cycle. Councilman Payton inquired as to whether they had challenges in the past with being able to utilize all of the CHIP funding. Mara Register stated that was the Community Development Block Grant (CDBG) funding and that is why they are now focusing on rehab and reconstruction with the CDBG money. That issue has been completely resolved.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to follow the recommendation of the Assistant to the City Manager to enact Resolution No. 2009-4,

a Resolution authorizing the filing of an application for grant funds from the Georgia Department of Community Affairs (DCA) FY 2009 CHIP Application Cycle, the complete text of which will be found in Resolution Book IV.

Consideration of a request for Councilman James Wright to attend the Georgia Association of Black Elected Officials Conference.

Larry Hanson, City Manager, stated that Councilman Wright has requested to attend the Georgia Association of Black Elected Officials Conference. There were two options for him to either attend the conference which would have been \$150 or to provide a membership fee and conference registration in the amount of \$250. This conference was not one of the events covered in the Mayor/Council Travel Ordinance so it has been brought to Council for approval.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the request for Councilman James Wright to attend the Georgia Association of Black Elected Officials Conference in the amount of \$250 and to pay for expenses incurred.

Consideration of a request to approve sponsorship of a table at the 100 Black Men Annual Black Tie Gala.

Larry Hanson, City Manager, stated that the City has participated in this event for several years and it is scheduled for March 24th at 7:00 p.m. at Valdosta Middle School. The speaker this year will be the Honorable Anne Elizabeth Barnes of the Georgia Court of Appeals. The cost for sponsorship of a table is \$800.

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the request for approve sponsorship of a table at the 100 Black Men Annual Black Tie Gala.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of a revised Memorandum of Understanding with Lowndes County regarding the joint Industrial Authority appointment.

Larry Hanson, City Manager, stated that he and Mayor Fretti met with Chairman Ashley Paulk and County Manager Joe Pritchard this morning regarding an issue they had with the previous Memorandum of Understanding that Council had approved. The County Attorney felt that it might not be legal and that it took away the autonomy for a body to have a real say in the joint appointment. The City has added some language that has been found in other agreements such as the SPLOST Agreement and the House Bill 489 Agreement to try to address their concern. It stated that if any part of it was found to be illegal then the City would fix that part of the agreement itself but any other remaining parts would stand in the event that someone challenged it. The County still had concerns due to the enabling legislation that created the Industrial Authority which says it is a joint and concurrent appointment and both parties must agree on an appointment and adopt that person. Chairman Paulk suggested that they appoint a committee as a permanent solution that would be made up of City and County officials. He suggested the Chairman, County Manager, and one Commission member, and the Mayor, City Manager, and one Council member. This group would agree to the City's advertising process permanently even when it was the County's turn and the appointments would be advertised six months prior to the expiration and then three months prior to the expiration they would meet, review the credentials of those candidates, and possibly interview the finalists that the committee agreed upon. Chairman Paulk stressed, and the City agreed, that the Industrial Authority handles a lot of money since they now have dedicated millage and bond proceeds of \$15 million and it is an awesome responsibility. It would be in the best interest to go through a more formal process for an appointment. Chairman Paulk had asked that the City draft an agreement today but trying to draft an agreement, getting it to the County Commissioners and City Councilmen at the last minute, and having one or two words that might not be quite right would send a message that they were not in agreement. Larry Hanson stated that he felt the appropriate thing to do would be to take more time to work out the agreement. The committee should be formed now for the purpose of drafting a Memorandum of Understanding based upon that concept and as well as anything else the committee might feel appropriate and bring that back to both parties for approval. Larry Hanson stated that would

be his recommendation to the Council. Aside from that, this is an important and critical time for the Industrial Authority and they only have five members. The County has indicated that they would like to seat the candidate that Council has recommended as a joint appointment and now that there is another vacancy they are interested in having a candidate appointed for that as are many of the Council members. Larry Hanson stated that he has been very pleased with the dialog and the spirit of cooperation that he has seen and been a part of with the County this year and he truly believed that they are trying to work together to find a solution to this. Larry Hanson recommended that Council not act on the Memorandum of Understanding but consider appointing this committee and then the committee would be charged to meet within 30 days and bring a recommendation back to both bodies for approval within 12 months. If Council proceeds with these two appointments it will not be an issue for five years since it is a five-year term so it would not be until 2014 that it is actually an issue again.

Councilman Yost inquired as to whether the County had mentioned that the previous appointment of Roy Copeland to the Industrial Authority was a proper move on the City's part and that they intend to approve him. Larry Hanson stated that the County does intend to approve Mr. Copeland. They do believe, that under the gentlemen's agreement, this particular Chairman and Commission felt that it was appropriate for the City to initiate the appointment and they support the candidate. Councilman Wright stated that Council had voted for Roy Copeland as the joint appointment and inquired as to what Council would do with the Memorandum of Understanding. Larry Hanson stated that the Memorandum of Understanding should be set aside tonight and for Council to agree to appoint a committee of three City representatives and three County representatives to draft a new Memorandum of Understanding and bring that back to both parties for consideration. This would be a joint document and not a document that one party has created and it would also address the appointment in 2014. Councilman Wright stated that there are now two people to consider as opposed to one. Mayor Pro Tem Head stated that they want to affirm Roy Copeland as the joint appointment and there is maybe a pending appointment and with the supposed resignation of Carolyn Eager which would create a City slot. There have been some overtures and gestures to get Mr. Jennett, who has served out his County term, into that slot so whether we are talking about someone else on that list or Mr. Jennett that would be the second appointment. Larry Hanson stated that Councilman Vickers had expressed that we have an agreement prior to making these appointments so this would not happen again and likewise, Chairman Paulk had said the same thing. In good faith, they had become tied together and not because of any devious action. Drafting the Memorandum of Understanding has become a little more difficult than previously thought and there was not enough time between 11:00 a.m. this morning and 5:30 p.m. this afternoon to draft a Memorandum of Understanding, have everyone review, and then have it approved. If the Memorandum of Understanding could be set aside then the committee could work on it and bring it back to Council for approval. Councilman Wright stated that he just received the Memorandum of Understanding today and it seems that we are creating another level of bureaucracy to put on top of a problem because two governments cannot agree. Councilman Wright inquired as to whether the current legislation that helped create the Industrial Authority speaks specifically on how the appointments are going to be made and who makes them. Larry Hanson stated that the legislation states the joint appointment will be appointed as a joint and concurrent member by an action of both governing authorities and does not spell out how that will be done. Councilman Wright inquired as to whether the Memorandum of Understanding would help them in five years. Larry Hanson stated that hopefully a new Memorandum of Understanding would and three members of this body would be serving on a committee along with three members of the County. The committee would have gone through a formal process of advertising the joint vacancy, interviewing candidates, and the six committee members would make a recommendation of one name to both parties. George Talley, City Attorney, stated that the committee cannot appoint anyone and can only make a recommendation. Councilman Yost inquired as to whether the County would still deal with the previous position of Roy Copeland if Council postpones the Memorandum of Understanding and takes no action, forms no committee, and does nothing with it right now. Larry Hanson stated that it was his opinion that the County would do something. The County feels that it is the City wanting the Memorandum of Understanding and they are not walking away from that or opposing that but they want a committee to have time to draft a document that would be acceptable to all parties. The County does want a resolution before this comes up in the future.

Mayor Pro Tem Head stated that this felt like old hat. Five years ago there was a gentlemen's agreement and all the Memorandum of Understanding is doing is putting into writing what was agreed to. In December, 2008, the County prematurely took action to appoint someone when it was the City's time to nominate someone and the County's time to affirm. It seems that the process is being held hostage by the County saying that they would

confirm the City's nominee when the City does something with the vacancy that was created by the resignation of Carolyn Eager. Mayor Pro Tem Head stated that this is not fair to Council or Ms. Eager because personally, she really does not want to resign. When you look back on February 27, 2009 when Council received packets for the early March meeting it was indicated that Ms. Eager had resigned. Yet, at the last meeting the Mayor presented a letter from Carolyn Eager that was unsigned and when Council packets were received for this meeting the same unsigned letter was in there; however, yesterday Council received a signed letter from Staff. It has taken a long time to get a letter stating that Ms. Eager has resigned and then in the letter there was a condition that she would resign if Council replaced her with Mr. Jennett. It should be Council's choice as to who is appointed to a vacant position when someone resigns. Mayor Pro Tem Head stated that he felt bad about the fact that this has caused some heartburn among Council as a governing body. He has heard some overtures that the County would act on our nominee if we place Mr. Jennett in Carolyn Eager's position. When Council approved Ms. Eager, they discussed her skills and how much those skills were needed on the Industrial Authority and now it seems that either they are throwing her under the bus or she is throwing herself under the bus with some encouragement which is not right. The process that was written on paper and that Council agreed to really means nothing now if Council allows the County to tell us how to do things and to say they are going to affirm our candidate with conditions is a bit much. Councilman Yost stated that hopefully with some of the newly elected County officials they are headed in a new direction. If the County wanted to approve Roy Copeland as the joint appointment they have had ample time. They have played games with the appointment but Council needs to move in the direction of accepting a resignation and reappointing someone to that seat and move on with this process. Council also needs to have the City Manager come up with exactly what they would like to do as far as the committee goes and the direction they are going to go in the future, put that in writing, and bring it to Council at the next meeting so that they have a Work Session to discuss it and then vote it up or down at the Council meeting. This would also give the County an opportunity between now and the next Council meeting of approving the previous appointment that they should have approved to begin with.

Councilman Carroll stated that if anyone on Council is the most disappointed that the Memorandum of Understanding has not been officially adopted by both bodies at this stage in the game it is him. Councilman Carroll asked Council members to close their eyes and remember back when they were first elected and one of their goals many of them had was to have a better relationship with our local governing bodies, especially the County. Time and House Bill 489 has fixed a lot of that but Council needs to try and step aside from the politics in both of these cases and either move forward or not. The City Manager has proposed that Council postpone the action on the Memorandum of Understanding, to create a Task Force to meet with the County, and get the agreement completed to bring back to Council at a future date. As far as its relationship with the pending resignation of Carolyn Eager and the appointment to the Industrial Authority, Councilman Carroll stated that he stood by that portion of the original proposal that he presented at the last meeting which was to make the nomination and selection of Jerry Jennett to replace Carolyn Eager contingent upon the County's adoption of Roy Copeland and confirming his appointment as the joint appointee. Councilman Carroll also suggested that Councilman Alvin Payton to be the Council representative to serve on the committee. Mayor Pro Tem Head stated that there were eight other people on the list and it seemed that Council was not considering them at all. Councilman Carroll stated that was not the case because someone else could make a nomination too. Mayor Pro Tem Head stated that he was not saying they could not do that but when we state things along the lines of making it automatic and speaking about Mr. Jennett replacing Carolyn Eager then that is what they are doing. Council should think in terms of someone from the list replacing Carolyn Eager so that it is not a foregone conclusion that is the way Council must go. Councilman Wright stated that at the last Council meeting, it was discussed that this be postponed so that the County could proceed with confirming the City's appointment. Council did that and nothing has happened and now the County is coming back to the City saying they will do the Memorandum of Understanding and if the City approves it then this will happen. Councilman Wright stated that he was ready to support Mr. Jennett but the way this is going it was like the County was not playing fair. The process is what he was concerned about. The City made an appointment and the County has not even acknowledged the appointment by placing it on their agenda or even talking about it. Larry Hanson stated that in December, 2008, Chairman-Elect Paulk met with him and Mayor Fretti and made a commitment to them that he would not put anything on the County's agenda that the City and County was in disagreement on and that they would make every effort to work things out so that when things are placed on the agenda then they would be in a position to approve them and not argue about them. The County did have the Memorandum of Understanding on their agenda at the Work Session and removed it again out of

consideration because the City had linked all the things together. Chairman Paulk did not want to be in a position of being perceived as adversarial so they took it off the agenda. Mayor Pro Tem Head inquired as to how long it would take to draft a new Memorandum of Understanding. Larry Hanson stated that it could be done in a week and it could possibly be on the next Council agenda. Mayor Pro Tem Head stated that he would favor tabling the request to appoint anyone until an agreement could be worked out and that would give the County time to show good faith. Councilman Eunice stated that he agreed that the County should affirm the City's appointee based on the process that was agreed upon as gentlemen; however, not every member on the Council was here five years ago when the last joint appointment was made and it was drawn out six months or more because the County continued to send over the name of Jerry Jennett and this body sent the name of Gary Minchew to the County. There is an opportunity for us to end the disagreement and figure out a way to move forward in the future and put the Industrial Authority at full capacity with all five members whereas right now they are missing one and have an acting Chairman. It would be a good step forward to send back Roy Copeland as the joint appointee for the County to confirm and to act on Carolyn Eager's resignation with a replacement. Councilman Yost stated that Council needs to postpone the Memorandum of Understanding and he did not have a problem with the Mayor appointing a Council member to serve with the City Manager and himself on the committee.

A MOTION was made by Councilman Carroll regarding the Memorandum of Understanding between Lowndes County and the City of Valdosta and the joint appointment with the Industrial Authority that any action be postponed at this time and that we make a recommendation to the City Manager and Mayor as well as the County Manager and Chairman of the County Commission that a Task Force be formed with representatives on both sides to address this issue and bring a final agreed upon document back to both bodies for approval and adoption in the future. Mayor Pro Tem Head inquired about a date. Councilman Carroll stated that it would be postponed until such time as the Task Force brings back to Council a document that could be voted upon. Councilman Eunice seconded the motion. The motion was unanimously adopted (6-0).

Consideration of an appointment to the Valdosta-Lowndes County Industrial Authority. Mayor/Council postponed the request at the March 5, 2009 regular Council meeting until March 19, 2009 regular Council meeting.

Larry Hanson, City Manager, stated that Carolyn Eager has submitted a letter of resignation contingent upon her replacement being appointed and Council had agreed to use the following nine names that were submitted in February, 2009: (1) Travis Cox, Owner of Cox Masonry, (2) Allan Dear, Apartment Management Company, Staten Crossing Apartments, (3) Dr. Mark Eanes, Physician/ Ophthalmologist with Southern Eye Center, P.C., (4) Brian Geary, Human Resources Manager with Ace Electric, Inc., (5) John D. Holt, Attorney with John D. Holt, P.C., (6) Jerry Jennett, Chief Executive Officer with Georgia Gulf Sulphur Corporation, (7) Susan B. Johnson, College Professor with Valdosta State University, (8) Jackson Ross Langdale, Attorney with Dover, Miller, Stone & Karras, P.C., and (9) David Zammit, Controller with Greenleaf Center. Carolyn Eager has three years of a five-year term remaining.

Mayor Pro Tem Head asked for nominations. Councilman Carroll placed in consideration the name of Jerry Jennett for the unexpired term of Carolyn Eager and that the nomination be conditioned upon the confirmation by the County government of the joint appointee, Roy Copeland. Councilman Payton seconded the nomination. Mayor Pro Tem Head stated that a second was not needed and asked for any other nominations. Larry Hanson, City Manager, asked for clarification about placing a condition on an appointment and whether that was actually a motion. George Talley, City Attorney, stated that Carolyn Eager's resignation was conditioned upon a condition. Larry Hanson stated that it was actually a recommendation and that the resignation stated it would be upon her replacement being appointed and she suggested someone. Mayor Pro Tem Head stated that Ms. Eager's resignation was contingent upon Mr. Jennett being appointed to her unexpired term.

Councilman Carroll stated that it was purpose of his nomination, which he could change to a motion instead of a nomination, that since the actions of the County in selecting Jerry Jennett last fall to be their joint appointee by eliminating him as a candidate from their list then they will by default confirm the City's appointee who is the rightful nominee for the joint appointment at this time. Mayor Pro Tem Head stated that it is useless to tie that to the County's affirmation and they are obligated to do it which they did not do so and it clogs the issue. Councilman Yost asked for a point of order and stated that when someone is nominated it is placed in consideration with no

conditions but since there is a condition it may require a second and then a vote by Council. Larry Hanson stated that there was a motion and a second by Councilman Payton. Mayor Pro Tem Head stated that Council is getting caught up in this and Council is an innocent governing body but the forces out there are thrusting things on Council. Councilman Wright inquired as to what would happen if the County did not confirm the joint appointment. Larry Hanson stated that it would be brought back to Council in two weeks. The nomination with the condition was approved (6-0).

Mayor Pro Tem Head asked if there were any other nominations. There being no other nominations, Jerry Jennett was appointed by acclamation to fill the unexpired five-year term of Carolyn Eager on the Valdosta-Lowndes County Industrial Authority.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Finance Department received the Distinguished Budget Presentation Award from the Government Finance Officers Association which is the highest form of recognition in governmental budgeting. This award represents a significant achievement for the Finance Department.

The City is finally making some progress with the Transportation Stimulus Funding because initially we felt like we were being left out and none of our projects were accepted by the Georgia Department of Transportation. We received a letter this week from the new Georgia Department of Transportation Commissioner and they have considered a number of resurfacing projects in Valdosta eligible for stimulus money. The projects include resurfacing Ashley Street and Patterson Street from the James Beck Overpass to Five Points (\$3 million), streetscape improvements to the MLK, Jr. Corridor, and resurfacing Cherry Creek Road, Hollywood Street, Lankford Drive, Lee Street, Northside Drive, Old Lake Park Road, St. Augustine Road, Ulmer Avenue, and West Street. There are a couple of other projects being considered which include the Jerry Jones project. One of the criteria is that these projects have to be shovel ready and under construction in 180 days so new projects cannot be created. Also, a number of Water and Sewer Projects have been reviewed and deemed eligible by GEFA who is administering the Stimulus Funding for Utility Projects. Some of these have been designated as Green Projects which means they would be eligible for grants instead of loans.

Mayor Fretti met with the new Georgia Department of Transportation Commissioner last week and one of the State freezes had stopped our Transit Planning which was very disappointing. They had frozen the State match and we were told that we could not proceed even if we wanted to pay the State's part. Our Legislative delegation helped to arrange a meeting and the Mayor did a very good job in the meeting. Before he left the Commissioner, had a signed contract and a financial commitment and the Transit Planning is now back on track. This is critical because we are eligible for approximately \$1 million in Stimulus money for the system itself but if the planning could not be completed then we could not meet the 120-day requirement. Councilman Vickers inquired as to when the Transit system would be in place. Larry Hanson stated that it would be approximately 12-18 months.

The MLK, Jr. Corridor Community Meeting is scheduled for March 26, 2009 at 6:00 p.m. at the St. Paul A.M.E. Church. IPG Architects will have a presentation with 3D views of the Memorial Park as well as the remainder of the project. Invitations and notifications have been sent out to those citizens along the Corridor as well as to Council. There will also be a ground breaking event which will be held in conjunction with an annual vigil that takes place on April 4th.

The Azalea Festival was successful and the Public Information Office had a booth and distributed information about upcoming appointments for Boards, Commissions, Authorities, and Advisory Committees and Earth Hour.

COUNCIL COMMENTS

Mayor Pro Tem Head asked for a moment of personal privilege and stated that he was under the impression that when the procedures were created for Boards, Commissions, Authorities, and Advisory Committees that Council was moving to change the culture that surrounded appointments; however, in his opinion, Council has

taken a giant step back tonight in what they did. They acquiesced to the demands from the County and an appointee that Council had complete control of because he was appointed by us. Mayor Pro Tem Head stated that he took nothing away from those who supported Mr. Jennett. He made his arguments on principal only and in light of the fact that we had resignations that were not signed and urged Staff that in the future we give some strong consideration in not putting anything on the agenda. To put Ms. Eager's position on the agenda without a signed letter of resignation from her was an ill move on our part. It was not until last night that Council finally got a signed letter and even as we sit here now he did not feel that she really wanted to resign. We get caught up in all of that for one reason or another and sometimes we do not always make the best decision as we move forward. Mayor Pro Tem Head stated that he had hoped the procedure would change the way these appointments were dealt with and there will be others. What happens is that people get on these Boards and Commissions and they begin to feel like they own a spot. If you look at the Industrial Authority's composition today, everyone has been there for more than one term and some would probably like to stay three. There were eight other people who were very qualified to serve and we shut people out. Mayor Pro Tem Head asked that Council be cautious in the future that they do not do things that penalize people. Councilman Head stated that he would wait in anticipation and hoped that the City gets a quick affirmation from the County on our nominee. This was a low point for Council as a governing body to act based on what we had in hand and the mandates and dictates that were given to us.

Councilman Yost stated that everybody knows that his criticism has been loud and clear of the County in the past but he felt that the Industrial Authority, the City, and the County would reap rewards and benefits from those two individuals being on the Industrial Authority and representing the City in the future. Councilman Yost stated that he agreed with some of what Mayor Pro Tem Head just said and hoped that some of the newly elected individuals in the County are willing to work with the City and talk with the City in a better tone than in the past. This is something that we have to look forward to and not back and he was excited about these two individuals representing the City on the Industrial Authority.

Councilman Carroll stated that it is important to note that when it comes to finding an honorable person that has served the City so well, Carolyn Eager has done exactly that and has been a true asset to not only the Industrial Authority but also to the City and County. Based on her participation and efforts made on behalf of the City, her resignation should be handled with such respect and she deserves our gratitude for the service she provided. Councilman Carroll stated that he would not deny anyone who wanted to resign from anything or if they wanted to make a recommendation about who they thought they would like to see serve in their place.

Mayor Pro Tem Head stated that he appreciated Carolyn Eager's gratitude and her work as well but it was the way it came about.

Councilman Vickers stated that it was not about Carolyn Eager or Jerry Jennett but Council should have the freedom to make her replacement their choice. Councilman Carroll stated that they did have a choice. Councilman Vickers stated that he felt like they had a gun to their heads and that is what concerned him. It was not Carolyn Eager's resignation or recommendation but it was that the County was not going to confirm Roy Copeland unless the City put their man in our slot. That was what the problem was really about.

ADJOURNMENT

A **MOTION** by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (6-0) to adjourn the March 19, 2009 meeting of the Valdosta City Council at 7:09 p.m. to meet again in regular session on Thursday, April 9, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta