

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

OPENING CEREMONIES

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Robert Yost, and James Wright. Councilwoman Deidra White was absent. George Newbern, Attorney with Coleman-Talley, LLP, filled in for George Talley, City Attorney, who was also absent. The invocation was given by Pastor Winston Taylor, Grace Fellowship Seventh Day Adventist Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

SPECIAL PRESENTATION OF THE MUNICIPAL AUDIT FOR FISCAL YEAR 2011

Presentation of the Municipal Audit for Fiscal Year 2011.

Wade Sansbury, Engagement Partner for Mauldin & Jenkins, LLC, stated that the financial statements are the responsibility and representation of management and their responsibility was to perform an audit and to express an opinion based on that audit. The June 30, 2011 audited financial statements for the City of Valdosta and Council received an unqualified opinion. The financial statements present fairly in all material respects. The Management's Discussion and Analysis (MDA) section contains information as compared to 2010 and was written by management. For the year ending June 30, 2011, the City ended with total assets of \$293 million which was a large increase from 2010 and was the result of the construction of the new Wastewater Treatment Plant. The City also ended the year with \$54 million in total liabilities for total net assets of \$239 million. A majority of the \$293 million total assets is total capital assets. For the year, the City had a decrease of \$4.3 million in total net assets. In the General Fund, there was \$8.7 million in total assets, which included \$750,000 in cash, and the majority of the other assets are receivables from taxing agencies as well from other funds. The total liabilities for the Fund were \$3.3 million and approximately \$5.4 million in the total Fund balance. The overall General Fund balance presentation was changed because the City was required to implement GASBY 54 during the year so a lot of the description has changed. The General Fund Income Statement shows that the City ended the year with \$26.9 million in total revenues which was a \$400,000 increase over the prior year and \$31.2 million in total expenditures. The General Fund had a decrease in the Fund balance of \$3.5 million. There were no financial statement audit findings and the City received a clean opinion which is very positive.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the Municipal Audit for Fiscal Year 2011.

PRESENTATION OF THE APRIL, 2012 EMPLOYEE OF THE MONTH AWARD

Henry Hicks, Utilities Director, presented the April, 2012 Employee of the Month Award (James McLeod, Utilities Department).

James McLeod began his employment with the City of Valdosta's Utilities Department in September 24, 2003 as a Laborer. In May 25, 2009, Mr. McLeod was promoted to the Mud Creek Wastewater Treatment Plant as a Maintenance Helper which is the position he currently holds. His duties include assisting the Maintenance Supervisor in the maintenance and repair of all equipment at the Plant and performance of preventative maintenance as scheduled. In January 20, 2012, the Mud Creek Wastewater Treatment Plant experienced a catastrophic failure of its influent pump station manhole structure resulting in entire shutdown of the Plant. Mr. McLeod worked round the clock on bypassing and then assisting contractors in repairing the failed structure. A second event involved his Supervisor undergoing knee replacement surgery and Mr. McLeod stepped up and handled all of the Plant maintenance, even directing another maintenance helper in day-to-day tasks. Through his efforts, the Mud Creek Wastewater Treatment Plant suffered no down time due to the maintenance issues. This saved the City of Valdosta money by not having to hire private contractors to fill in while his Supervisor

recuperated. Mr. McLeod demonstrates a positive can-do attitude daily and is fully deserving of recognition for his devotion to duty and service to the citizens of Valdosta. For these reasons and many others, the Employee Relations Committee nominated James McLeod as Employee of the Month.

SPECIAL PRESENTATION OF THE GEORGIA LAW ENFORCEMENT RECERTIFICATION AWARD

Special Presentation of the Georgia Law Enforcement Recertification Award.

Police Chief Frank Simons stated that the Valdosta Police Department has been awarded the State of Georgia Law Enforcement Recertification status. The Department was initially certified in 1999 and has continued on a successful course of recertification every three years. State law enforcement certification represents a significant professional achievement and acknowledges the use of policy and procedures that are effective and agency driven. Being State certified ensures that the Police Department maintains up-to-date and progressive effectiveness and gives the public a greater level of confidence in their local law enforcement agencies. The Valdosta Police Department must maintain certification files and file annual reports attesting to their ongoing compliance with State Law Enforcement Standards. In December, 2011, Captain Duane Caswell of the Waycross Police Department and the assessor appointed by the Georgia Chiefs of Police Association (GACP) came to the Valdosta Police Department and performed an on-site assessment. Captain Caswell spent the day observing operations and verifying documentation of compliance to the standards. He gave a glowing exit interview after the inspection and announced that the files were in superb order, well maintained, and very indicative of a well-rounded Department. Captain Caswell's recommendation for recertification to GACP was very complimentary of the Valdosta Police Department and the men and women who serve this Department each day. Chief Simons stated that Recertification Award will be on display at the Police Department.

APPROVAL OF MINUTES

The minutes of the March 22, 2012 Regular Meeting were approved by unanimous consent (6-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2012-6, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 0.46 acres from Single-Family Residential (R-6) to Office-Professional (O-P) as requested by Josiah Christian School (File No. VA-2012-04). The property is located at 2900 North Oak Street. The Greater Lowndes Planning Commission reviewed this request at their March Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Josiah Christian School is requesting to rezone 0.46 acres from Residential-Professional (R-P) to Office-Professional (O-P). The property is located at 2900 North Oak Street which is at the northwest corner of Thea Lane and North Oak Street. The property contains an existing daycare center which is currently approved for a maximum of 25 children. The applicant is proposing to expand the daycare center to a maximum of 50 children. This increased size triggers the need for either a rezoning to a commercial category such as C-N or C-C where such daycare centers are a permitted use, or a rezoning to O-P where such daycare centers are allowed with a Conditional Use Permit (CUP). As recommended by Staff, the applicant is requesting the O-P zoning along with a CUP approval which is being reviewed concurrently with this rezoning request (File No. CU-2012-01). The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of O-P zoning. In terms of land use pattern, this area of the North Oak Street corridor is mostly built-out with professional offices and some light commercial uses. The more intensive of these are found on the eastern side of the street closer to the North Patterson and North Ashley Street corridors which are much more commercial in nature. In terms of the surrounding zoning pattern, the adjacent single-family neighborhood to the west is zoned R-15; however, the west side of North Oak street is dominated by R-P zoning with one parcel already zoned O-P and one

parcel still zoned R-15. The east side of the street is entirely zoned C-C. In terms of Character Area and overall land use policy, the area's "Community Activity Center" designation allows for a wide range of possible zoning categories (from R-6 or R-M up through C-H); however, given the existing zoning and land use patterns of the area and also the adjacent single-family neighborhood, commercial zoning along this western side of North Oak Street would be very inappropriate. Either R-P or O-P zoning would be considered more appropriate and either one would offer some measure of protection for the neighborhood. Both R-P and O-P zoning are very similar in nature and both are considered compatible with each other. Both are often found adjacent to Single-Family Residential zonings and both often serve as a transition between residential and commercial areas. The main difference between them is that R-P allows high-density residential uses (up to 18 units per acre for multi-family) and this is sometimes considered not as compatible with adjacent single-family neighborhoods as just professional offices. The O-P zoning allows a bank, a medical clinic, and a funeral home whereas R-P does not. O-P also allows a commercial daycare center if it receives a CUP approval. Given the relatively small size of this property, it seems unlikely that a bank or a funeral home of any significant size would be feasible here. Commercial daycare centers could have negative impacts on an adjacent single-family neighborhood depending on their size and hours of operation; however, in O-P zoning, these uses can be reviewed and controlled through the CUP process. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their March 26, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (9-0 vote).

Chris Hall, Attorney for Josiah Christian School, 1803 Canterbury Drive, spoke in favor of the request. Mr. Hall stated that he has three children who attend the school and he just recently got involved in this. The applicant is trying very hard to be compliant with the City and the State and to make sure that the requirements are followed. Mr. Hall stated that as the father of one-year old twin boys he would like to be able to take them in through the side door but to be compliant with the City the applicant makes everyone come in through the front door. It is a little inconvenient for the parents but the applicant wanted to make sure that she does not inconvenience the neighbors or go against any of the zoning that is in place. The applicant has her temporary license with the State, has followed all the requirements, and has not had any defects on the inspections conducted by the State in the last few weeks. At the Zoning meeting, there were several neighbors who spoke in favor of the plan and one of the prior daycare owners who was denied the zoning came and spoke in favor because she felt that the Josiah Christian School has a good future and should be given every chance to succeed.

Roy Taylor, 2209 Bridlewood Drive, spoke in favor of the request. Mr. Taylor stated that he is the owner of the property and the applicant only had a few children and three employees at first. She has now increased the number of children to 45 or 50 and has six employees. She is living the American dream which is small businesses growing and making American great again. Mr. Taylor asked Council's consideration in approving the rezoning.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2012-6, an Ordinance to rezone 0.46 acres from Single-Family Residential (R-6) to Office-Professional (O-P) as requested by Josiah Christian School, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2012-7, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A CHILD DAYCARE CENTER IN AN OFFICE-PROFESSIONAL (O-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit (CUP) to allow a child daycare center in an Office-Professional (O-P) Zoning District as requested by Josiah Christian School (File No. CU-2012-01). The property is located at 2900 North Oak Street. The Greater Lowndes Planning Commission reviewed this request at their March Regular Meeting and recommended approval with five conditions (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Josiah Christian School is requesting a Conditional Use Permit (CUP) for a child daycare center in an O-P zoning district. The property is located at 2900 North Oak Street which is at the northwest corner of Thea Lane and North Oak Street. The property is currently

zoned R-P and contains an existing daycare center (2,655 square feet) which was previously approved for a maximum of 25 children. The applicant is proposing to expand the daycare center to allow a maximum of 50 children. This increased size triggers the need for either a rezoning to a commercial category such as C-N or C-C where such daycare centers are a permitted use, or a rezoning to O-P where such daycare centers are allowed with a Conditional Use Permit (CUP). As recommended by Staff, the applicant is requesting the O-P zoning along with a CUP approval. The rezoning request is being reviewed concurrently with this CUP request (File No. VA-2012-04). There are no proposed expansions or changes to the existing building. The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of O-P zoning. In terms of land use pattern, this area of the North Oak Street corridor is mostly built-out with professional offices and some light commercial uses. A commercial daycare center is generally a good fit with this kind of pattern; however, due to the adjacent single-family neighborhood to the west off Thea Lane, there should be an overall limit on the size and magnitude of the daycare facility, as well as perhaps some other conditions of approval that would mitigate possible negative impacts. This property was previously reviewed and approved with a CUP for a child daycare center (File No. CU-2009-09, Netarsha Gibson, approved 11-5-2009). The conditions of approval are as follows: (1) A 6' opaque fence along rear property line, (2) All pick-up and drop-off will occur at the front of the property, (3) Parking spaces close to intersection will be removed per the City Engineer, (4) Hours of operation are 6:00 a.m. to 3:00 p.m. with no more than 25 kids and no more than 10 kids outside at one time and 3:00 p.m. to 6:00 p.m. with no more than 25 kids and no more than 10 kids outside at one time. The CUP approval in 2009 was for a different applicant who did not continue operating a daycare facility on the property and then later vacated the premises. It should be noted that soon after the previous CUP approval in 2009, the City's development regulations were amended to more closely reflect the different daycare center categories and different size thresholds that the State uses for such facilities. As a result, daycare facilities with more than 18 children are no longer allowed in R-P zoning; however, the previous CUP approval still stands with this property and it can still operate with a maximum of 25 children. It should also be pointed out that until recently, the current applicant has been operating without all the proper licenses and with as many as 50 children during peak times at this facility. The applicant now has all the proper licenses in place and is operating within the maximum limit of 25 children imposed by the 2009 approval. All licensing issues aside, the fundamental question for this CUP request is whether or not a daycare center larger than 25 children is appropriate for this site, and if so, under what conditions? The decision was made in 2009 to allow the daycare center in R-P zoning with a maximum of 25 children and a few other conditions. With the change in zoning regulations, and now a rezoning of the property to a slightly more intensive zoning district (O-P), there are some grounds for reconsideration of a larger daycare facility. Furthermore, it should also be pointed out that in 2009 the proposed daycare was a new use and there was some level of uncertainty as to the true impacts it might have on the adjacent neighborhood. There is also now the fact that a daycare facility has been operating on site (albeit as an unlicensed facility) with up to 50 children at one time, and there have been no complaints or inquiries received by the City. Staff has also observed this facility in operation firsthand and has determined the noise and traffic impacts of the facility to be surprisingly minimal. Therefore, with the proper conditions, Staff believes that a larger facility is acceptable for this location. The Fire Department has already approved the existing facility for a maximum of 54 persons (based on size and layout of the building). Since the daycare facility must operate under State law with certain minimum staff/child ratios (1 staff per 6 infants, 1 staff per 14 small children), the actual maximum number of allowable children would be several persons fewer. Also, in some instances there may be certain aspects of State regulations pertaining to daycare facilities that might limit the number of children even further. If both the City and the State approve this facility, then the most restrictive occupancy requirement would apply. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval to City Council subject to following conditions: (1) Approval shall be granted for a child daycare facility in O-P zoning, subject to the existing site layout and the existing building. Any significant alterations to the site or the building shall first require re-review of the CUP. (2) The daycare facility shall not operate with more than 45 children at any one time, nor shall the building exceed a total occupancy of 54 persons. (3) A minimum 6' tall opaque fence along the rear property line shall be maintained. (4) All vehicles dropping off or picking up children shall utilize the existing driveway along North Oak Street and not utilize the parking spaces along Thea Lane. (5) Hours of operation shall be limited to time periods within 6:00 a.m. to 7:00 p.m., Monday through Saturday. The Planning Commission reviewed this at their March 26, 2012 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following conditions (9-0 vote): (1) Approval shall be granted for a child daycare facility in O-P zoning, subject to the existing site layout and the existing building. Any significant alterations to the site or the building shall first require re-review of the CUP. (2) The daycare facility shall not operate with more than 45 children at any one time, nor shall the building exceed a

total occupancy of 54 persons. (3) A minimum 6' tall opaque fence along the rear property line shall be maintained. (4) All vehicles dropping off or picking up children shall utilize the existing driveway along North Oak Street and not utilize the parking spaces along Thea Lane. (5) Hours of operation shall be limited to time periods within 6:00 a.m. to 7:00 p.m., Monday through Friday. Matt Martin stated that the daycare center is currently operating under that time period and want to increase to a larger size.

Chris Hall, Attorney for Josiah Christian School, 1803 Canterbury Drive, spoke in favor of the request. Mr. Hall stated that it was recommended by the Zoning Department that they could operate Monday through Saturday but it was never the daycare's intention to work on Saturday. Mr. Hall stated that the applicant was more than willing to work with the neighbors and ensure them that there would not be children at the daycare on the weekends. The actual hours of the daycare are 7:00 a.m. to 6:00 p.m. With the neighborhood and traffic, there is never an issue getting in and out of the daycare. The daycare does not even advertise and it is so fantastic that there is already a waiting list of over 40 children. They will never go above that because the State recommends that they have 48 children and the Zoning Department says 45 children, but they have limited themselves to 44 children to ensure that they are always in compliance.

Roy Taylor, 2209 Bridlewood Drive, spoke in favor of the request. Mr. Taylor stated the applicant has been an honorable tenant and pays her rent early. There is no traffic problem and not one neighbor has come to him to complain about the rezoning. Mr. Taylor asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Carroll to approve an Ordinance for a Conditional Use Permit (CUP) to allow a child daycare center in an Office-Professional (O-P) Zoning District as requested by Josiah Christian School with the following the five conditions as recommended by the Planning Commission: (1) Approval shall be granted for a child daycare facility in O-P zoning, subject to the existing site layout and the existing building. Any significant alterations to the site or the building shall first require re-review of the CUP. (2) The daycare facility shall not operate with more than 45 children at any one time, nor shall the building exceed a total occupancy of 54 persons. (3) A minimum 6' tall opaque fence along the rear property line shall be maintained. (4) All vehicles dropping off or picking up children shall utilize the existing driveway along North Oak Street and not utilize the parking spaces along Thea Lane. (5) Hours of operation shall be limited to time periods within 6:00 a.m. to 7:00 p.m., Monday through Friday. Councilman Payton seconded the motion. The motion was unanimously adopted (6-0) to enact Ordinance No. 2012-7, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2012-8, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 1.03 acres from Duplex-Residential (DR-10) to Highway-Commercial (C-H) as requested by Philip Storey (File No. VA-2012-05). The property is located along the north side of Fountain Avenue to the west of the intersection with Highway Place. The Greater Lowndes Planning Commission reviewed this request at their March Regular Meeting and recommended approval (9-0 vote).

Phillip Storey is requesting to rezone 1.03 acres from Duplex Residential (DR-10) to Highway-Commercial (C-H). The property is located along the north side of Fountain Avenue to the west of the intersection with Highway Place. This is in the southern part of the City, one block west of South Patterson Street. The property is currently vacant and the applicant is proposing to develop the property with a contractor's storage building and yard for South Georgia Sealcoating LLC. The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-H zoning. This property is located within an area along South Patterson Street that is dominated by fairly intensive commercial, and even some industrial uses. The existing zoning pattern in the area is almost exclusively C-H or M-1/M-2; however, there are some remaining DR-10 properties in the area which are part of a former unincorporated island that was annexed in 2006. These properties were previously zoned DR-10 in the County and were assigned a City DR-10 classification upon annexation. With the advent of the City's Land Development Regulations (LDR) in 2009, the DR-10 zoning classification was removed from the regulations but this portion of the zoning map was

never updated. Although there are still a few existing residences nearby, most of these DR-10 properties are vacant and they are a remnant of a former residential pattern that was once more prevalent in the area. The applicant is proposing new development for this property in the form of a new commercial building and outdoor equipment storage area. This must comply with all applicable development regulations in terms of site design, screening/buffering, landscaping, and signage. The applicant is seeking a variance to the City's opaque fencing requirements for screening of an outdoor storage area and is proposing an alternative combination of screened fencing and landscaping in lieu of a solid fence or wall. This variance request is being reviewed separately and will be heard by the Zoning Board of Appeals (ZBOA) on April 3, 2012. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their March 26, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (9-0 vote).

Rusty Johnson, 1112 North Lakeshore Drive, spoke in favor of the request. Mr. Johnson stated that he is the applicant's real estate agent and has been with him through the entire process. He is trying to make the property an extension of his business which is across the field in C-H zoning. The property is surrounded by C-H zoning and he feels he has an opportunity to put a business there and make it productive. Mr. Johnson asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2012-8, an Ordinance to rezone 1.03 acres from Duplex-Residential (DR-10) to Highway-Commercial (C-H) as requested by Philip Storey, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2012-9, AN ORDINANCE TO APPROVE THE RESTATED GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM (GMEBS) MASTER DEFINED BENEFIT RETIREMENT PLAN AND ADOPTION AGREEMENT

Consideration of an Ordinance to approve the restated Georgia Municipal Employees Benefit System (GMEBS) Master Defined Benefit Retirement Plan and Adoption Agreement.

Mark Barber, Deputy City Manager of Administration, stated that in the past the City has adopted the Georgia Municipal Employees Benefit System (GMEBS) Master Defined Benefit Retirement Plan and the appropriate Adoption Agreement. Valdosta is one of 285 cities in Georgia in the GMEBS retirement system. The retirement plan is administered by GMEBS for the 285 member cities. GMEBS has recently restated the Master Plan and Adoption Agreement which has been approved by the Internal Revenue Service. The restated plan incorporates the relevant provisions of the Economic Growth Tax Relief and Reconciliation Act of 2001, thus creating the need for the participants of the plan to sign an updated Defined Benefit adoption Plan. The adoption of the restated plan will ensure the continued tax-favored treatment for the GMEBS member plans. The City will go through this process every five or six years and one benefit of the IRS approval is that it keeps our contribution for employees tax deferred. Council will also need to appoint a Pension Committee. If not, a default Pension Committee will be appointed. Larry Hanson, City Manager, stated that he has drafted a Pension Committee for Council's consideration. This will be the same number of people on the Committee and this one will be more specific. The recommended Pension Committee will consist of the City Manager, the Deputy City Manager of Administration, the Mayor, the Mayor Pro Tem, the Councilman At Large, and two employees recommended by the City Manager and appointed by the Mayor and Council. The two employees recommended would be Richard Joyner, Public Involvement Department, and Keith Martin, Mud Creek Wastewater Treatment Plant. It is important to have representation on a Committee such as this. The Human Resources Director will serve as a non-voting member and normally as Pension Secretary. Larry Hanson recommended that Council approve the Ordinance for the restated Georgia Municipal Employees Benefit System (GMEBS) Master Defined Benefit Retirement Plan and Adoption Agreement and the recommended Pension Committee.

A **MOTION** by Councilman Norton, seconded by Councilman Wright, was unanimously adopted (6-0) to enact Ordinance No. 2012-9, an Ordinance for the restated Georgia Municipal Employees Benefit System (GMEBS) Master Defined Benefit Retirement Plan and Adoption Agreement and the recommended Pension Committee, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2012-3, A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR PHASE II OF THE AIRFIELD DRAINAGE IMPROVEMENTS PROJECT

Consideration of a request from the Valdosta-Lowndes County Airport Authority to approve a Resolution authorizing execution of a contract with the Georgia Department of Transportation for Phase II of the Airfield Drainage Improvements Project [Project No. AP011-9000-25(185)] for an aircraft rescue fire fighting vehicle for the Valdosta Regional Airport.

Larry Hanson, City Manager, stated that the original Grant Application for the Valdosta Regional Airport's Airfield Drainage Project was filed with the Federal Aviation Administration (FAA) on March 3, 2010 and Phase I of this Grant was awarded in April, 2010. Phase II of this Project will enable the Airport Authority to complete the entire project which will specifically address mid-field drainage improvements at the Airport. Mayor and Council previously approved the FAA Grant Agreement for Phase II at the August 19, 2010 regular Council Meeting. The Georgia Department of Transportation (DOT) submitted a contract for their portion of the Project which was approved by the Mayor and Council on November 11, 2010. On June 6, 2011, the Valdosta Regional Airport was notified that the FAA had approved \$800,000 in grant funding for the acquisition of an aircraft rescue and fire fighting vehicle, the design of an aircraft rescue and firefighting station (Phase I - Design), improve Airport drainage (Phase II - Drainage Improvements), and remove obstructions (Phase I - Obstruction Analysis). A Resolution was approved by the Mayor and Council on June 23, 2011 authorizing, adopting, approving, accepting, and ratifying the execution of a Grant Agreement between the FAA and the City of Valdosta in the amount of up to \$1 million for the above. Jim Galloway, Executive Director of the Valdosta Regional Airport, contacted the City Manager, Larry Hanson, to request approval of a Resolution authorizing, adopting, approving, accepting, and ratifying the execution of a contract with the DOT for Phase II of the Airfield Drainage Project for the acquisition of an aircraft rescue and fire fighting vehicle and Phase II Drainage Improvements. The amount of the funding from GDOT for the aircraft rescue and fire fighting vehicle and Phase II Drainage Improvements is approximately \$16,000. Bids for the Phase II Drainage Improvements portion will be opened on April 30, 2012 and this will be brought before City Council at a later date. Jim Galloway recommended that Council approve the Resolution authorizing, adopting, approving, accepting, and ratifying the execution of a contract with the DOT for Phase II of the Airfield Drainage Project for the acquisition aircraft rescue and fire fighting vehicle contingent upon final review of the DOT Contract by the City Manager and City Attorney. Larry Hanson recommended that Council adopt a Resolution authorizing the City on behalf of the Airport Authority to accept the \$16,000 in funding from the Georgia Department of Transportation for Phase II of the Airfield Drainage Improvements Project towards these project improvements.

A **MOTION** by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (6-0) to enact Resolution No. 2012-3, a Resolution authorizing execution of a contract with the Georgia Department of Transportation for Phase II of the Airfield Drainage Improvements Project for an aircraft rescue fire fighting vehicle for the Valdosta Regional Airport, the complete text of which will be found in Resolution Book V.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve the Analysis of Impediments to Fair Housing.

Mara Register, Assistant to the City Manager, stated that Mr. James Gilleylan, principle of J-QUAD Planning Group, made a presentation to the Mayor and Council at the Work Session regarding the results of the Analysis of Impediments to Fair Housing, which is a required process that we go through every three to five years of a Consolidated Plan. The City of Valdosta is a five-year Consolidated Plan community. Mr. Gilleylan has submitted the following final letter explaining the process: "Ms. Register, We have completed the final report of the Analysis of Impediments to Fair Housing Choice and presented the results to the City Manager, Mayor, and

City Council on April 3, 2012. The Analysis of Impediments has been conducted in accordance with HUD Regulations 42 USC 3601 Fair Housing Act and in conformance with the HUD Fair Housing Planning Guide. Please note that in the review of the report you determine any incorrect information or discrepancies in terms of the data that has been presented, upon confirmation of any discrepancies we will make the necessary adjustments in the report. To the extent that any discrepancies impact our analysis and recommendations, we will re-examine those as well. It should be noted that we will only adjust the data and recommendations due to incorrect information or discrepancies and the data and the resulting analysis in conclusion otherwise will stand as presented. In the presentation to the Mayor and Council, I indicated that the Analysis of Impediments had similar characteristics to that of an audit in that the factual content and data stand on its own. Thank you Ms. Register for your assistance with this project. Respectfully, James Gilleylan, J-QUAD Planning Group.” Mara Register stated that this is the final information that Mr. Gilleylan wanted to recap and ensure that this is an Analysis and not a Plan. When Council makes a decision the language needs to be that the Analysis of Impediments is accepted and that Council is authorizing the City Manager to forward it to HUD. Mayor Gayle stated that the Analysis of Impediments is not a Fair Housing Plan and Council has had a chance to review the 165 page document. It is not a Fair Housing Plan but rather it is an analysis of the current state of fair housing in Valdosta. The Analysis of Impediments identifies specific barriers that need to be addressed if future fair housing initiatives are to be successful.

Mayor Gayle entertained a motion from Council.

A **MOTION** was made by Councilman Carroll to accept the Analysis of Impediments to Fair Housing. Councilman Wright seconded the motion. Councilman Wright stated that there was a lot of information that needed to be covered before Council can say that they approve the Plan. There are a lot of people in the community who are interested about what is in this Plan. We have an Analysis of Impediments and we finally have a lot of people who want to participate in this and be aware of what is in the Plan. He would like to have people be part of a Committee and go through this and not rush to a judgment like we did with the Land Development Regulations which was passed and then there were a lot of mistakes made which had to be corrected after the fact. Councilman Wright asked that Council postpone adopting the Plan for a certain period of time so that it could be reviewed and then come back and accept it. This would be one of the best ways possible to involve as many citizens as we can, get the best input, and make our City one of the best cities in this area. We just received the 100 page document today and it will be hard to digest it. Mayor Gayle stated that there was no Plan in this book. It is only an analysis of what our situation is in Valdosta so Council can adopt this and it will not affect anything. They can then attack the individual things with a Committee and look at the situations to determine how we are going to act. Councilman Wright stated that their analysis might be different from the analysis of what the community determines and he did not think it was unfair to ask or why it was a hurry to do it now. Mara Register, Assistant to the City Manager, stated that she was not as acclimated with all of the Federal Regulations and that is why we hired Mr. Gilleylan because he is an expert. He is the one that has made sure that the Analysis of Impediments follows the mandatory HUD Regulations that are in place. Ms. Register stated that she did not know how we could change the Analysis of Impediments that was presented based on the fact that he has used the mandatory regulations to prepare the Analysis. Councilman Wright stated that he was not saying to change it but allow them to look at it. Mayor Gayle stated that if Councilman Wright wanted to do that then he would have to enter a Substitute Motion and vote on that to determine if it carries and then go from there. Councilman Vickers stated that this is great information and we need to use it to formulate a Plan. This is what will be presented to HUD as to what came out of the Analysis of Impediments. There is a lot of work that we need to do and he did not think that the citizens group has the expertise to come in there and change the Analysis of Impediments. Councilman Vickers stated that they need to form a Committee to work on the impediments and that will take some time. They can use this information to go out and educate the community about the things that we need to do. Councilman Wright stated that they were not going to change it but rather review the information and say this is a recommendation. It may be something good or bad but at least allow them a chance to look at the Plan. No one on Council has had a chance to review it. Councilman Norton stated that he looked through the document and this is a great compilation of information for us to start. If by chance they did find something along the way, then that should be brought back to the attention of J-QUAD. Larry Hanson, City Manager, stated that in many ways Council is saying that they want to accomplish the same thing and it is a matter of preference if they want to accept this report tonight or accept it at a later date. Everyone is agreeing to appoint a Committee and then implement the recommendations and any additional recommendations that the Committee might have. No one would be able to change his professional findings unless you find an error that he has made. Councilman Wright inquired as to how they would know.

Larry Hanson stated that the report will go to HUD and they will review it and determine if it meets all the criteria. Then the recommendations and the Committee recommendations would be done over the next five years. We may want to look at appointing a Committee at the next Council Meeting. Councilman Carroll stated that we need to carry this forward because there is a lot of information in it and they could not come up with a plan within a year because the obstacles are too big. There is a lot of work that will have to go into developing a plan to overcome some of the obstacles that are identified and we cannot wait a year. There is HUD grant money out there and it is not going to change the Analysis of Impediments. Councilman Wright stated that they do Annual Action Plans each year based on what we come up with. This was given to him yesterday and he has not had a chance to go through the whole document and that was why he was asking for the postponement. Mayor Vickers called for the question.

Mayor Gayle entertained a motion to call for the question. The motion was adopted (5-1) with Councilman Wright voting in opposition.

The motion to approve the Analysis of Impediments to Fair Housing was adopted (5-1) with Councilman Wright voting in opposition.

Larry Hanson, City Manager, stated that the Analysis of Impediments will now be signed and sent to HUD and that will take a period of time for them to review it and determine whether they accept. If it is the desire of Council we can then work to bring a structure to you to appoint a Committee perhaps in 30 days.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Farm Days will start on April 21, 2012 and will run through October, 2012. They will be held on the first and third Saturday from 9:00 a.m. to 1:00 p.m.

The City hosted a successful State Historic Preservation Conservation and Emily Foster, Special Projects/Historic Planner, and others worked very hard on this event. It was great to have a large group from around the State in our City and in the Downtown area. They were very pleased with the things they saw in regards to preservation.

The Electronic Recycling Event which was held on March 31, 2012 is continuing to grow in popularity. The results are not in yet but they had one business that brought 5,000 pounds of electronic recyclables.

Larry Hanson commended the Valdosta Fire Department and EMS for their assistance with a Southwest Airlines flight going from Chicago to Ft. Lauderdale on Thursday, March 29, 2012. They had a medical emergency and needed to land at the nearest Airport. Fortunately our Airport had extended the runway to 8,002 feet, which is the third longest runway in Georgia, and could handle the 737 Aircraft. They landed at our Airport and our Fire Department was there and escorted EMS personnel to the Aircraft so that medical services could be provided to an occupant who was believed to be having a stroke. To give an example, a typical ASA Aircraft at the Valdosta Airport is 87 feet long and the 737 is 109 feet long and has almost double the weight of 72,000 pounds. This shows that our Airport can handle a flight such as a standard Southwest Airlines Aircraft and we are now becoming poised for future growth.

The City Government 101 Program kicked off on Monday night and it went very well. There were three Council members present along with Mayor Gayle and it will continue over the next five weeks on Monday night. Council members are welcome to attend and speak to the group.

The Local Option Sales Tax (LOST) renegotiations will begin with a meeting called by the Lowndes County Board of Commissioners on April 9, 2012 at 9:30 a.m. The five cities, along with the County, will meet and to formally start the negotiation period for the LOST. We look forward to working with the County and sister cities in reaching an agreement that is fair to all.

Georgia Cities Week will be held April 22-28, 2012 and we will provide many activities to enlighten citizens about City government and the services. Some of the activities that will take place during Georgia Cities

Week will include: Farm Days which will begin on April 21st, the Great American Cleanup on April 21st, Customer Service Day on April 23rd, dedication of the new Mud Creek Wastewater Treatment Plant on April 24th, and Job Shadow Day on April 25th.

Larry Hanson stated that there were some suggestions at the Work Session on Tuesday regarding ways the City can inform the community about Fair Housing. Sementha Mathews, Public Information Officer, has already taken steps by writing a story for the next issue of City Beat and will also use it for an upcoming Metro 17 City Focus news story. She will also run some slides on our station's Community Calendar. In addition, she has also printed out flyers and placed them at City Hall and provided a link to the Georgia Fair Housing Act on the City's website under the Neighborhood Development Department.

Larry Hanson, City Manager, stated that the City has a Parade Permit Ordinance that was adopted in 1996 which allows only one parade to take place on a given day. Since that time, the community has grown and there are more events and the City's Police Department serves as an escort for these events. There was an unusual circumstance that occurred today where the Police Department had already approved a Parade Permit for a road race for the Kappa Alpha Order Fraternity and then March of Dimes had planned an event for the same day but had not gotten the Permit yet. Larry Hanson stated that under the current Ordinance we are not allowed to do this; however, given the nature of the circumstances and the fact that it will not present a problem for the Police Department he asked for Council's consideration in authorizing him to suspend the Ordinance for that particular day for the purpose of approving a Permit for a second parade for the March of Dimes. He will also be reviewing the Ordinance with Chief Simons for a future amendment to offer some latitude so that it is not quite so rigid. There was no objection from Council.

COUNCIL COMMENTS

Councilman Vickers inquired as to whether LOST funds were rolled back. Larry Hanson stated that was correct and we are required to roll back 100% in the current year budget of what was collected in the prior year. If they collect \$9 million then they are required to lower property taxes by that amount. If you look at the tax bill it will have a gross levy of a millage rate, a sales tax rollback, and a net levy. The gross levy would be 11 mils and we get a 7 mil credit from sales tax collection so the taxpayers only pay 4 mils in property taxes. This is a great benefit to property owners in all of the cities and unincorporated Lowndes County. Councilman Vickers inquired about another component in the negotiations. Larry Hanson stated that they are required to renegotiate the distribution of the tax every ten years following the Census. The State statute recommends criteria that will be evaluated and then you can add other criteria if you would like to. The Mayor and Council had set this as a goal at the Retreat and the County did as well so we are hopeful that we will have good negotiations.

Councilman Carroll stated that there will be an Economic Summit on April 12, 2012 which is sponsored by the Valdosta-Lowndes County Chamber of Commerce and Wiregrass Technical College. This might be an excellent opportunity to share the information in the Analysis of Impediments for Fair Housing with those in attendance. Larry Hanson inquired as to whether Councilman Carroll could ask the sponsors if we could have a place on the Agenda to give an overview of the Analysis of Impediments. Councilman Carroll stated that he would contact the sponsors.

CITIZENS TO BE HEARD

John Robinson, 3227 San Juline Circle, Lake Park, Georgia, stated that yesterday marked the day of the death of a great leader and many dreams. Mr. Robinson stated that his two grandsons, who were in attendance, have a future and it is dependent on these dreams and visions and how we work together on things. Based upon the dreams that were portrayed by Dr. Martin Luther King, Jr., as citizens we all deserve the right to understand and get full acknowledgment and understanding. We need to understand the facts before we speak on an issue because it could be more in-depth than what meets the eye. The Analysis of Impediments is more than just a piece of paper or notion. We realize the true fact and that is there is no money on the south side of town. We know we have major problems and we need to find some method to resolve them. The Valdosta Small Emerging Business (VSEB) Program is a vital resource that we utilize. Mr. Robinson also spoke with Mark Barber, Deputy City Manager of Administration, about a Mentoring Program and whether the City would be willing to participate. He spoke with

the Industrial Authority and they are willing to work with the City in implementing the Mentoring Program. Sometimes it may not seem that our lives have meaning or value to you but it does. For us to be on the bottom side all of the time is disgusting when you have to go through this time and time again trying to get some points across. We need some money and development on the south side and cooperation. Mr. Robinson stated that he felt they could get there if they put forth some effort and understanding and find some remedy to work together.

George Boston Rhynes, 5004 Oak Drive, stated that he came before the Mayor and Council to speak about Mr. Mitchell and Clay Road. He has met with several people employed by the City regarding the concerns on the south side. The reason the speed limit is set at what it is was done because of the trucks entering the industry from the south side and to protect people coming in and out of the business. Mr. Rhynes stated that if that is a concern then why not push back the 35 miles per hour speed limit from the north end of the bridge back past a business. That will give those trucks coming out of the north end of the overpass the same protection that they are concerned about on the south side. This would make good sense if the concern was to protect the trucks entering from the south side of the bridge. Also, Mr. Rhynes stated that he used to listen to Frank Barnas on the radio every morning and now he listens to Chris Beckham on the radio. He records the radio show and then re-posts it on U-Tube, especially if it gets negative about our President. Mr. Rhynes stated that he is disturbed about all of the information that comes from the City and County that is discussed on that conservative radio station. There are other radio and television stations in this town that could do a better job of informing all of the people and not just a select few. Mr. Rhynes stated that he would like to make a formal request that equal time be given from the elected officials to Magic 95 radio station west of Valdosta and be on his broadcast as well as on Foxy 97.5. The majority of the people from the minority community listen to those stations and not the conservative stations. Concerning the Analysis of Impediments, he did not see anything wrong with waiting because too often in the eyes of the general public they feel like they do not know what is going on in the City. If any Council member says that they would like more time to study it and look over it what would a few more days mean. There may be other Council members who do not understand the Analysis of Impediments and he could see nothing wrong with giving them a few more days. In Valdosta, the 1860 Charter was removed from the wall but a lot of people see it as control, suppress, and abate. He wished that in the eyes of the general public that Council had postponed it for two weeks.

William Roberson, 2609 U. S. Highway 84 East, thanked the Mayor and Council for giving him an opportunity to speak about the private prison at a prior Council Meeting. He also wanted to thank all of the people who came to him and voiced their support.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the April 5, 2012 meeting of the Valdosta City Council at 6:50 p.m. p.m. to meet again in regular session on Thursday, April 19, 2012.

City Clerk, City of Valdosta

Mayor, City of Valdosta