

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, APRIL 7, 2011**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Ben Norton, Alvin Payton, Jr., Deidra White, Robert Yost, and James Wright. Councilman Sonny Vickers arrived late at 5:45 p.m. and Councilman Tim Carroll was absent. George Talley, City Attorney, was also absent and Tim Tanner, Attorney with Coleman-Talley, LLP, attended the Council Meeting in his place. The invocation was given by Associate Pastor Brian Roy, Crosspointe Baptist Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

Mayor Fretti entertained a motion for Awards and Presentations.

A **MOTION** by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (5-0) for the April Awards and Presentations.

**PRESENTATION OF THE APRIL, 2011 EMPLOYEE OF THE MONTH AWARD**

Mayor Fretti presented the April, 2011 Employee of the Month Award (Randall Jones, Utilities Department).

Randall Jones began his employment with the City of Valdosta's Utilities Department in August, 2009 as a Maintenance Helper. In January, 2011, he was promoted to Maintenance Supervisor which is the position he currently holds. In his position as Supervisor, Mr. Jones is responsible for the maintenance and repair of all equipment at the Water Plant. He also directs the activities of crews performing maintenance to the Plant and grounds and oversees all record-keeping and safety activities. Recently, Mr. Jones distinguished himself during the Water Plant power outage. He identified that the outage involved damage to the primary switchgear requiring specialized contractor support. He then supervised efforts to troubleshoot the damaged switchgear and rigged portable generators at the water pumps. He also worked closely with Georgia Power to lay above ground cable to provide a bypass of the damaged switchgear. The bypass allowed Georgia Power to identify the cause of the power outage which was a shorted high voltage underground cable. During this crisis, Mr. Jones worked in excess of 24 hours straight and would not leave until the bypass was in place, the cable repaired, and service restored. Baseball great Tommy Lasorda once said, "The difference between the impossible and the possible lies in a man's determination." It was Mr. Jones' determination that made it possible to identify and correct the problem that shut down the Water Plant allowing service to be restored as quickly as possible to the citizens of Valdosta. For this, he is worthy of recognition by his peers and City Council. For these reasons and many others, the Employee Relations Committee nominated Randall Jones as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the March 24, 2011 Regular Meeting were approved by unanimous consent (5-0) of the Council.

**CITIZENS TO BE HEARD**

Roy Taylor, 2209 Bridlewood Drive, stated that he wanted to quote the following from the newspaper: "Travel must be for the direct benefit of the City," said Fretti. "Not the instance of four former Council members traveling after their defeat or withdrawal did any bring back definite benefit to the City and most certainly, the last occurrence of John Eunice was for personal benefits. I have yet to meet one citizen that thinks members of a Council should travel after they have resigned, been defeated, or failed to run again." Mr. Taylor stated that he appreciates Council and Mr. Eunice and what he did for seven and one-half years. That young man earned the right to go to Savannah and he has been over several expense accounts for the Mayor and Council of this City and he has

never seen one for Savannah and back for \$4,000. Mr. Taylor stated that once someone has served for seven and one-half from the time they are 18 years old until they are 25 years old, and who just lost a brother that took them two weeks to find him, it is time to get off his family's back. Mr. Taylor challenged all of the Council members to look at their conscious and expense accounts and the ones that the Mayor fills out. He has looked at a lot of them and some of them have made him want to vomit. If his dollars mean no more to you than what he has seen on these expense accounts then God help you. He was asked today if he was a Christian since he had heard that he had joined a church. Mr. Taylor responded by saying that it would not make him a Christian if he joined the church but he certainly is a Christian and God works with different ones in different ways. Mr. Taylor stated that he looked at an expense statement for the Bird Supper in 2009 where the Mayor carried the Council members out to dinner. It was \$2,600 plus all of the motel rooms and mileage that was charged out. This is a common everyday expense on the travel expense of this City. Mr. Taylor has watched people go to McDonald's and they cannot afford over \$2.00 for a meal because they are on unemployment. They are getting free meals for their children at school and the man takes his wife and spends \$2.14 for a double cheeseburger and a glass of tea. They do not eat at night because their children are in high school and they are trying to get them through and not to lose their home. We lost 84 homes per month on average last year and five times that amount of people were put out on the street. Mr. Taylor stated that he wanted Council to look at all of their expense accounts because they are spending his tax dollars. They went to Morton's Steakhouse and spent \$2,600 on one meal. They need to look at themselves and what they are approving and they need to change their expense accounts and what is coming out of it. Mr. Taylor asked that they please look at the children that are being put out of their homes. That trip cost \$3,400 and our tax dollars are being wasted like this.

Mark George, 1022 Cherokee Street, stated that he appeared before Council two weeks ago and asked the following questions: (1) Does Council have to vote on giving the Biomass folks the wastewater? (2) What does Council need to see to think that it is a bad idea? Mr. George stated that he asked for a response to those questions and two weeks went by before he got a response from the Mayor this morning and Councilwoman White this afternoon. He did not receive a response from his Council person. Biomass is not the problem but it is a symptom of a larger problem in terms of development and citizens being hurt and respected and valued. Mr. George thanked Mayor Fretti for sending him an E-mail in which Mayor Fretti had suggested that he get an Attorney who handles governmental law and seek advice in terms of how to stop the Biomass Plant. Mr. George stated that he has an Attorney and these folks have an Attorney and he is sitting right there. We pay for the City's Attorney and he did not understand why he should be expected to find a governmental legal expert to figure out a way to solve this and why our own Attorney is not finding a way when the citizens think it is a bad idea. Mr. George stated that Mayor Fretti has been criticized for not paying attention to speakers and he mentioned taking notes but that is not the only concern that people have. There is also the body language, facial expressions, and commentary that has been made by not only Mayor Fretti but other members of Council. It is also getting up in the middle of a discussion when someone is sharing their concerns whether it is about a sewer system or a Biomass Plant that people are interpreting as being disrespectful. It seems like there is a double whammy because if citizens do not come down here because things are going well they are often perceived as apathetic and not caring about their community; however, if they come down here they are rebel rousers. Mr. George stated that he was not sure how to resolve that and at the same time he respected the fact that it has got to be difficult to be elected and balance the development needs of our society, our country, and our community. With respect to Biomass, it seems that you are cloaking your inactivity and passivity in refusing to respond to the public on the legality. What they are now getting from this Body, even though people have not individually said anything to date, is that this company has met all the legal requirements to get these resources so not only has Council passed the buck back to the Industrial Authority, but you are basically saying that you have to do this. The only problem he has with that is that legality does not equal morality and it never has. Mr. George asked that they not be like generations past. For example, it was once legal to segregate people so these Council Chambers would have been an illegal assembly. There are plenty of good, moral, Christian people who used the law of the times to justify racism. It was once legal to deny women the right to vote, to work children to death in factories in this country, and it has been legal to do a lot of immoral things. The argument that Council's hands are tied because of the fact that this company has not done anything that hasn't met the permitting requirements is a little dubious and you can take a moral stand particularly when there has been a mass movement in our community. Mr. George stated that Mayor Fretti made an excuse for Council in terms of the lack of response to those questions and he appreciated the fact that you tried to explain that they might not understand that he actually wanted a response from them individually. The problem with that is that Mr. George has been told that he cannot address them individually so if he has to frame things in a way that is directed at the Body and not

individual members because of this rule he was not sure how to get around the confusion. He was incredibly disturbed that the collective Body has been silent. Mayor Fretti stated that in his E-mail he made the distinction that Ms. Karen Noll had said that she wanted a response from each Council member individually and Mr. George did not say that so he thought perhaps Council did not hear that. He heard the statement as an open-ended statement and that Mr. George wanted a response. The distinction is that Ms. Noll asked everyone and he did not. Mr. George stated that the Mayor had replied in his E-mail that he was not responding for Council and that they need to speak for themselves. If they do not then Mayor Fretti would let them know that Mr. George is genuinely interested in their individual responses. Mr. George stated that they are interested and he did not know how people could get that confused. Councilman Vickers stated that he has a conversation with Mr. George and Floyd Rose in the parking lot several weeks ago and he told them that he was in support of the agreement that Council made 18 months or two years ago. They do not like that but they have his response which is whatever agreement Council made 18 months or two years ago. That is his position. If you respond to one question they are not going to be satisfied and they will want another one. Mr. George stated that he wished he would not assume to speak for him. It was not a matter of like because when they spoke with Councilman Vickers he said that his constituents wanted it and they asked him if his constituents knew that the American Lung Association and the American Cancer Society did not think it was a good idea. They also asked where those constituents were at. Councilman Vickers told them they would not come out because they were afraid. It is not a matter of like or dislike but a matter of the constituency being informed whether they are constituents that do support this. Everyone he has talked to do not think it is good idea. Mr. George stated that there is no end to this because there are rules limiting what they can say, when they can say it, and who they can say it to. Then they are told that Council will provide answers but they get no answers so what are they supposed to do from there. Mr. George inquired as to what they can do when they don't get answers from the elected officials. Mayor Fretti stated the he was not certain whether Council would answer him or not but he would be glad to E-mail Mr. George about where they go from here if no one continues to not answer him. Mr. George stated that is what was said two weeks and on the day of the meeting the Mayor spoke for everybody else and no one else said anything. Mayor Fretti stated that the communication was getting better and asked that they try that.

Robert Hall, 810 West Adair Street, stated that he had a picture of a South Vietnamese man whose mother was exposed to Agent Orange/Dioxin. He is the Vice President of the Southern Christian Leadership Conference and he is also a Vietnam combat veteran. He was exposed to that same poison that will be emitted from the Biomass Plant if it is built. He started having urinary problems and went to the doctor who checked his prostate gland and was diagnosed with prostate cancer. He has had two tumors removed from his vocal cords and has a tumor in his back. He is now having problems with his thyroid gland and is taking medication. Mr. Hall stated that he could not understand why you would want to expose the innocent children that go to Moulton-Branch Elementary School, the Head Start, and J. L. Lomax Elementary School to this destruction. Once Dioxin gets into your system it stays there. It gets into the fatty tissue of your body and it gets worse as you get older. When he came home from Vietnam he decided to get married and have children. His first child was born dead at seven months. His second child was born two months premature, weighed less than five pounds, and had to be placed in an incubator. His third child, his only son, weighed less than five pounds when he was born and had to be placed in an incubator. As his son got older, he developed mental problems and at the age of 16 he killed himself. All of this happened due to his exposure to this poison. Mr. Hall stated that he knew first-hand what Dioxin would do to you. He slept in Dioxin from 1967 to 1968 and had to drink contaminated water. These little children do not deserve this and some of these children that are going to be exposed to this might end up having a child like that because it can be passed to your offspring. It can also cause cancer, breathing problems, mental problems, birth defects, spina bifida, thyroid problems, COPD, diabetes, digestive problems, heart disease, high blood pressure, immune system problems, lung disease, and male reproductive problems. Mr. Hall stated that if any of the Council members are in favor of the Biomass Plant, which he assumed all of them were, may God have mercy on your souls to put these innocent little children through the detriment that he is going through right now.

George Boston Rhynes, 5004 Oak Drive, stated that he was very unhappy and wanted to see everyone on this Council replaced when election time comes because they cannot get answers when they come before Council. He listens every day on the conservative radio stations and records all of them when they are on the radio. Every time Frank Barnas asks the representatives a question on the radio broadcast he gets an answer. So many people who come before City Council do not get answers and that is not right. Mr. Rhynes stated that there is an assertive effort in Valdosta and Lowndes County to keep the people deaf, dumb, and blind to the times and unable to make

intelligent decisions based on facts. He was in Atlanta in January with the Quitman Ten along with Floyd Rose and other concerned citizens, both from Georgia and out of the State, and he received a telephone call from a citizen in Quitman about problems in the Brooks County jail. He got on the Agenda for the Brooks County Commissioners and when he was listening to the dialog between the Chairman and the citizens in the community and the 14 deputies and jail guards he was amazed. He was amazed because the Chairman acted like he was concerned about what the people had to say. When he got up to speak to the Commissioners, the black people thought he was losing his mind because he thanked the Chairman for giving them the opportunity to have an open discussion and dialog and it was not all based around the clock. Mr. Rhynes stated that the Sheriff had to sit there and listen to people ask him questions about testing his deputies for doing drugs because a citizen received an anonymous phone call. This happened at an open meeting and no one told that lady to shut up. Mr. Rhynes stated that he has asked the Mayor and Council a lot of questions too and some were answered and some were not. He asked about the Industrial Authority and whether everyone had access to get that job and he only got a response from the Mayor, Councilman Yost, and Councilman Carroll. Mr. Rhynes stated that a Caucasian woman came before Council at one meeting and she stated that she hated coming up here because she would not get an answer and she was not coming any more. He has not seen her since that time. Mr. Rhynes stated that he wished they would develop more of a warm attitude from the City and County governments in our community rather than feeling like they are going before the Gestapo. Mark George wants some answers and when Mr. Rhynes addresses the Mayor and Council he got an answer from the Mayor but wanted to know about the other representatives. They want to hear from all of them.

Barry Hyatt, 411 Hunters Glen, stated that he moved to Valdosta six years ago with his wife and he is a retired metallurgical engineer. He worked for the government in support of the nuclear Navy. He was proud of the 38 years he worked for them in defense of our country. The plant was in Pittsburgh and the people were glad that they had support from the government because it brought economic opportunities to the Pittsburgh; however, the air in Pittsburgh was really bad. The steel mills produced a lot of pollutants along with the Clairton Coke mill. Every day he had to go to work through this area and as a result he is not fully able to breathe very well. He came to Valdosta hoping that the air would be good and it is good compared to Pittsburgh. Mr. Hyatt stated that if the City wants to get industries they need to look at solar and other industries that are non-contaminating. Having a Biomass Plant is surely going to contaminate the air and the filters are not going to be effective. The lungs of children and elderly people will be harmed and it will be a detriment to this community. The City has made arrangements with this company to install the Biomass Plant and the Industrial Authority and County Commission is involved but you are elected to become involved as well. Mr. Hyatt stated that he hoped Council would be involved and look out for the benefits of the people that live here.

Dan Davis, 1001 Cherry Creek Drive, stated the City of Valdosta experienced some severe weather on Tuesday morning and thanked the cleanup crews, the Fire Department, and the Police Department for their quick response. There were over 50 power poles down in Valdosta and he had a tree that took out his well and pump. When he arrived at his office at 6:00 a.m. there were two power poles snapped at the base that took out his main and secondary gates and two large high voltage lines across the street. The Police Department blocked the road to make sure no one was injured. The Fire Department also responded to numerous calls, and the Public Works Department got everything cleaned up fast. The Code Red system worked excellent and he had two calls each on both his cell phone and his home phone. Mr. Davis stated that they all did an excellent job and he personally wanted to thank them for their efforts.

Geraldine Ferrell, 2714 Tyndall Drive, stated that her husband passed away in February, 2011 and he had allergies very bad and could not even go outside. With the Biomass Plant, it would be even worse on everyone else. Council could make to a decision not to let the Biomass Plant come into our town. Ms. Ferrell stated that Mayor Fretti was elected by the citizens to be the Mayor and she felt that he could stop anything that comes to our community that he does not want to be here.

Cristobal Serran-Pagan yFuentes, 5148 Northwind Boulevard Apartments, Apartment I-11, stated that he was a Professor at Valdosta State University and teaches ecology and world religion. Mr. yFuentes stated that he was from Spain and they are now one of the leading countries investing in solar energy. There is a lot of potential for solar energy in south Georgia and if we want to create jobs and invest in our community we should sit together at the table of brotherhood and sisterhood and have a meaningful conversation among politicians, business people, educators, teachers, citizens, church people, temple people, mosque people, atheist people, agnostic people, gay and

lesbian people, heterosexuals, homosexuals, children, women, men, and people of all walks of life. They should have a serious conversation about creating jobs and invest in clean renewable sources of energy such as solar and wind. Recently, the Council invested in solar panels and we need to keep doing that instead of using oil and coal and other dirty energies. Mr. yFuentes stated that he hoped they would have a serious conversation with the citizens of Valdosta. We will have lots of students who are planning to attend Valdosta State University in the next couple of years but if we are really told that the City of Valdosta is going to build a Biomass Plant the quality of the air will go down and respiratory problems will go up so what do we expect their response will be to come here. Also, the Biomass Plant will require almost one million gallons of water a day and we already have shortages and droughts in south Georgia. We are competing with other places in the State, and with Florida and Alabama for water. Water is precious, air is precious, oil and coal are not precious, and Biomass is not precious. We can replace it with good, clean, renewable sources of energy. Mr. yFuentes encouraged Council to invest in what is clean and get rid of old models and do what is right for our community, our country, and the universe at large.

Keisha Ferguson, 2714 Tyndall Drive, stated that she represented her Pastor, Angela Manning, and her church which is located at 5651 Inner Perimeter Road and is approximately 15 minutes from where the Biomass Plant will be built. There are many children that live and go to the schools in that area. Some of the Council members may have breathing problems or some other medical problems but that does not mean that you should bring the Biomass Plant. You may want to pack your pockets with money but that will not help their health. Ms. Ferguson stated that it is ridiculous to bring the Biomass Plant to our community. You sit up there with your suits and dresses on and look at the citizens like they are nobody but they are all somebody. Ms. Ferguson stated that if they could get more answers then they may be able to solve some things but communication is the key. The citizens have voted for all of you to be up there and they can vote you down.

Jocelyn Holmes, 480 Murray Road, Apartment D-44, stated that she is a student at Valdosta State University, and when she was growing up college was the place where you figure out who you are, what you want to do, and what your passion is. Ms. Holmes stated that she is worried about who she is trying to be, finding a husband, her grades, her friends for life, and figuring out her place in the world so why would you want to put more pressure on her to worry about breathing. Ms. Holmes stated that she walks everywhere she goes and does not like to take the bus because that is pollution. She asked that Council think of their futures because she personally wants to be something great in the world. Ms. Holmes asked Council to consider their future more than just this momentary thing because her life is at stake.

Mayor Fretti stated that the Citizens to be Heard portion of the meeting will be suspended at 6:30 p.m. due to the Council members attending an event tonight at 7:00 p.m. It will be suspended until Council gets through the business portion of the meeting so that there will be a quorum for voting and then it will reinstated afterwards.

John Quarterman, 6565 Quarterman Road, stated that he had previously suggested that Council record these events in put them on the website. There are no fewer than five video cameras in this room as he was speaking which would seem to indicate some level of interest on the part of the people. Mr. Quarterman stated that he is a pine tree farmer who lives on the edge of town and he had hoped that someone on Council might say this but no one has. He applauded all of the people who had come to the Council Meeting for their spirit of activism, participation, and community. Mr. Quarterman stated that at the Solar Panel Ground Breaking Ceremony there was some consternation when the demonstrators starting filtering in and they did not have a permit. By the letter of law, they should have probably been cited and maybe even arrested but that did not happen because the Police Chief and the Mayor defused the whole situation by not doing that. Council members are elected representatives of the people and not law enforcement officers or contract enforcement officers. There was a Biomass Plant scheduled for Gretna, Florida but it is not going to happen because the company decided not to build it partly due to massive opposition from the people. They Mayor of Gretna sent out a proclamation after the company decided not to build it. The City of Valdosta, with elected officials who were elected to represent the people, could decide to make such a proclamation before instead of waiting until someone else makes the decision for them. The reason the Biomass Plant pulled out of Florida is that no one wants to buy the power. Electric rates in Georgia are no higher and probably lower than in Florida. The first time he heard this question asked was in April, 2010 and no one wants to buy the electricity from the Biomass Plant. This means the Plant will never be built so you are really taking no risk if you came out and said that you do not want the Biomass Plant here. Mr. Quarterman stated that his prediction was that this Biomass Plant will never be built and inquired as to what would be done when it is all over and the

project is in cancelled. Mr. Quarterman stated that he hoped the citizens would continue their activism and participation in the community because there are so many things that need to be done around here.

Mayor Fretti suspended Citizens to be Heard until the end of the Council Meeting.

**PUBLIC HEARINGS****ORDINANCE NO. 2011-10, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 0.24 acres from Single-Family Residential (R-6) to Office-Professional (O-P) as requested by 100 Black Men of Valdosta (File No. VA-2011-09). The property is located at the southeast corner of Martin Luther King, Jr. (MLK) Drive and South Troup Street. The Planning Commission reviewed this request at their March Regular Meeting and recommended approval (7-0-1 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that the 100 Black Men of Valdosta are requesting to rezone two parcels totaling approximately 0.24 acres from Single-Family Residential (R-6) to Office-Professional (O-P). The property is located at the southeast corner of Martin Luther King, Jr. (MLK) Drive and South Troup Street and is currently a cleared vacant lot. The applicant is proposing to relocate an existing historic home from South Patterson Street to this property and redevelop it for use as their organization office and meeting space. The property is located within the Neighborhood Activity Center Character Area on the Future Development Map of the Comprehensive Plan, which allows the possibility of O-P zoning. The property is also located outside Valdosta's local Historic District, but it is within the Southside National Register Historic District. The historic home that is proposed for relocation is fairly large and the applicant is having difficulty getting it to fit on the property and still meet applicable Land Development Regulations (LDR) requirements. Consequently, several LDR variances are being requested which will be heard and considered by the Zoning Board of Appeals (ZBOA) on April 5, 2011. The variances include reduced building setback distances from the two public streets, and a significant reduction in the minimum required number of on-site parking spaces. The historic home is currently situated on property recently acquired by the Industrial Authority. Ultimately, it will need to be either relocated or demolished. The applicant is volunteering to acquire the home, relocate it to this property, restore the building, and utilize it as their organization office. The home has historic significance and appeal and it seems very appropriate to try and relocate it to an existing vacant lot within a National Register Historic District and convert it into a true community asset. Staff has worked diligently with the applicant's site designers these past several months in coming up with a "best-possible" solution for a proposed site design. The proposed layout calls for the building to be located as close as possible to the street corner in order to allow maximum space behind the building for an access drive, some parking spaces, the required buffer yards (which are not eligible for variance consideration), and still provide safe visibility at the street intersection. Most of the parking for the facility will be "shared parking" on various nearby properties. The facility will not be in full use very often, and therefore only a handful of parking spaces on the site itself will be sufficient. Planning Staff is supportive of these variances and the parcels will need to be combined in order to be eligible for permitting. There is existing commercial uses and zoning to the west of the property along MLK, as well as across the street from the property in both directions. With residential R-6 zoning in the other directions from the property, O-P is a good fit and a transitional zoning within the surrounding land use pattern and it is necessary to allow the proposed civic organization office on the property. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommend approval to the City Council. The Planning Commission reviewed this at their March 28, 2011 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval (7-0-1 vote).

Willie T. Head, Jr., 914 Madison Avenue, spoke in favor of the request. Mr. Head stated that he represented the 100 Black Men of Valdosta. Since its inception 15 years ago, the organization has relied on the Southside Library as a meeting place and due to competition for meeting space in that area they were running elsewhere in the City from the Gold Plate Restaurant to McDonald's and wherever they could find a corner to hold their meeting. They participate in various activities such as the annual Thanksgiving Food Feast and the 100 Black Men Barbeque Cookoff and many of the items that they use to carry out the programs of the organization are scattered in various places around the City. They also have a mentoring program and work with young black boys

to help them become productive citizens in the community as well as work in health and wellness, education, and economic development. Mr. Head asked Council's consideration in granting the request so that they would have a permanent place to reside.

No one spoke in opposition to the request.

A **MOTION** by Councilwoman White, seconded by Councilman Wright was unanimously adopted (6-0) to enact Ordinance No. 2011-10, an Ordinance to rezone 0.24 acres from Single-Family Residential (R-6) to Office-Professional (O-P) as requested by 100 Black Men of Valdosta, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2011-11, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 0.28 acres from Single-Family Residential (R-6) to Community-Commercial (C-C) as requested by Richard Terry (File No. VA-2011-08). The property is located at 1307 North Lee Street. The Planning Commission reviewed this request at their March Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that Richard Terry is requesting to rezone approximately 0.28 acres from Single-Family Residential (R-6) to Community-Commercial (C-C). The property is located at 1307 North Lee Street, which is at the southeast corner of North Lee Street and East Brookwood Drive. This is immediately north of the Ora Lee West public housing complex. The property is currently leased as a residential unit and the applicant is proposing to redevelop the property and lease it as a hair salon. The property is located within the Neighborhood Activity Center Character Area on the Future Development Map of the Comprehensive Plan. This allows the possibility of C-C zoning if the property is located along an arterial or collector roadway. North Lee Street is a designated collector street, which makes the property eligible for up to C-C zoning. The applicant is proposing to convert the existing building for use as a hair salon, which requires rezoning to an eligible classification such as C-N or C-C. In terms of building setbacks and other development standards applicable to this property, C-C is less restrictive and hence the applicant's request. Furthermore, the applicant is contemplating a wider range of possible commercial uses for the future which are found in C-C zoning. With the property being small but eligible for C-C zoning, and there being a fair amount of existing commercial development with C-C zoning along this portion of Lee Street, the rezoning is logical. Aside from some minor site improvements, the requested rezoning would allow the hair salon to utilize the existing building; however, for any future building expansions or construction of a new building, the overriding concern is that this property is located in the currently designated FEMA floodplain. With the lack of flooding history on this side of Lee Street, the stormwater improvements made a few years ago to the other side of Lee Street, and FEMA's anticipated re-review of Valdosta's flood maps, Staff believes it is only a matter of time for this property to be removed from the designated floodplain. In the meantime, this designation poses a serious obstacle to further development of this property. Any new buildings or building expansions must have their finished floor elevation at least 2 feet above the depicted flood elevation. This means that such building floors would need to be elevated approximately 5-6 feet above the current grade of the property. The applicant's submitted site plan depicts a future new building for the site, but this building cannot be added at this time without addressing the FEMA issues and also the issue of the proposed building not meeting the minimum floor area requirement of 1,500 square feet for new buildings in C-C zoning. These are permitting issues that can be possibly addressed in the future, and should not impede the requested rezoning of the property and allow the existing building to be utilized as a hair salon. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommend approval. The Planning Commission reviewed this at their March 28, 2011 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval (8-0 vote).

Richard Terry, 2772 Highway 135 North, Echols County, spoke in favor of the request. Mr. Terry stated that his father owns the rental property and needs the income. Mr. Terry asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** by Councilwoman White, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2011-11, an Ordinance to rezone 0.28 acres from Single-Family Residential (R-6) to Community-Commercial (C-C) as requested by Richard Terry, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2011-12, AN ORDINANCE FOR TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Section 106-1(C), Definitions, and Section 218-13 (TTT) Temporary Use - Commercial Retail as requested by the City of Valdosta (File No. VA-2011-04). The Planning Commission reviewed this request at their March Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that the City of Valdosta is proposing to amend Section 106-1(C) Definitions, and Section 218-13(TTT) Temporary Use - Commercial Retail, of the City's Land Development Regulations (LDR). The purpose of the proposed Text Amendments is to relax certain development standards and provide some clarity to the regulatory provisions of mobile food vendors and other temporary commercial uses. The regulation of such temporary uses can be very complex and is often ignored by many local governments. There will be two new definitions added and amending some others. The second part is the Supplemental Standards for Temporary Commercial Uses and the changes were discussed at the Work Session. The main issue that has prompted the changes is the overly restrictive regulations that deal with the duration that a temporary use can be in operation and the size of a trailer or cart. They are proposing to expand the time from 3 days to 60 days and the length of 8 feet for a cart up to a maximum of 25 feet for a trailer. They also put in provisions for vending stands which would be like on tables and chairs under a tent or just out in the open. Some of the other concerns dealt with property ownership and one of the prohibitions is that one of these uses must be on property that has a building in active use rather than vacant. An exemption is being proposed if the applicant for one of these uses is the owner of the property. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their March 28, 2011 meeting, found it consistent with the Comprehensive Plan, and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** was made by Councilwoman Wright to approve the request as presented by Staff for Text Amendments to the Land Development Regulations (LDR) for Section 106-1(C), Definitions, and Section 218-13 (TTT) Temporary Use - Commercial Retail as requested by the City of Valdosta. Councilman Payton seconded the motion. Councilman Vickers stated that he would support the request but wanted to protest his vote. There are some things in the Text Amendment that he did not see where there would be any problems. Larry Hanson, City Manager, stated that this will be revised again and asked that Council provide any comments or feedback to Matt Martin. We are relaxing existing standards by this policy but it will be brought back at a future date. The motion was unanimously adopted (6-0) to enact Ordinance No. 2011-12, the complete text of which will be found in Ordinance Book XII.

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

Consideration of an Ordinance to rezone 0.75 acres from Single-Family Residential (R-10) to Single-Family Residential (R-6) as requested by Martha Rock, represented by Ken Garren (File No. VA-2011-07). The property is located at 1 Brookwood Circle. The Planning Commission did not review this request at their March Regular Meeting because the case had been withdrawn.

Mayor Fretti stated that the applicant has withdrawn the request.



Consideration of an Ordinance for a Conditional Use Permit for a townhouse (Single-Family Attached) development in a Single-Family Residential (R-6) Zoning District as requested by Martha Rock, represented by Ken Garren (File No. CU-2011-02). The property is located at 1 Brookwood Circle. The Planning Commission did not review this request at their March Regular Meeting because the case had been withdrawn.

Mayor Fretti stated that the applicant has withdrawn the request.

**A REQUEST TO CHANGE THE NAME OF A PORTION OF JACKSON STREET LANE TO BIVINS LANE WITHDRAWN**

Consideration of a request to change the name of a portion of Jackson Street Lane to Bivins Lane.

Mayor Fretti stated that the applicant has withdrawn the request.

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

Consideration of bids for four F-650 Trucks for the Public Works Department (Bid No. 16-10-11).

Greg Brown, Purchasing Agent, stated that the Public Works Department is in need of four new recycling trucks to pull trailers on their pick up routes throughout the City. Two of the trucks will be purchased utilizing SPLOST funding while the remaining two will be purchased utilizing a HUB Recycling Grant. Sealed bids were received on March 29, 2011 with the bid meeting specifications submitted by Allan Vigil Ford in the amount of \$201,868. Several other vendors were mailed the invitation to bid but did not respond. Greg Brown recommended that Council approve the bid meeting specifications submitted by Allan Vigil Ford in the amount of \$201,868 and allow the Public Works Department to proceed with the purchase.

**A MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (6-0) to approve the bid meeting specifications submitted by Allan Vigil Ford in the amount of \$201,868 for four F-650 trucks for the Public Works Department.

Consideration of bids for the completion of the Madison Highway Utility Extension Project.

Pat Collins, City Engineer, stated that the Madison Highway utility extension work consists of the installation of a 4" PVC sewer force main and 12" ductile iron pipe from the City Limits to just south of the Valdosta Regional Airport property. The water line material for this project (the 12" ductile iron pipe) was purchased in the spring of 2009 in anticipation of this project and the construction thereof. Bids were received and opened publicly on March 17, 2011 with the low bid submitted by Radney Plumbing in the amount of \$124,505. Pat Collins recommended that Council approve the low bid submitted by Radney Plumbing in the amount of \$124,505 plus a 10% contingency.

**A MOTION** by Councilman Wright, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the low bid submitted by Radney Plumbing in the amount of \$124,505 plus a 10% contingency for completion of the Madison Highway Utility Extension Project.

Consideration of bids for the Browns Canal Streambank Restoration.

Emily Davenport, Stormwater Superintendent, stated that the Browns Canal streambank has experienced severe erosion along the stretch between West Street and Lamar Street. Several locations have washed out resulting in tree loss and bank failure and most notably behind the King property at 1016 Oliver Street near the wooden bridge. An emergency repair was made in July, 2010 but a permanent solution is needed. Staff is proposing to stabilize the bank with a gabion structure which is metal baskets that contain rocks bound together. The City requested proposals for a design-build for this project in September, 2010; however, only one was received and it was rejected. In October, 2010, the City requested and received proposals for design only of the streambank repair. The design was released and a request for construction bids was requested in December, 2010.

In January, 2011, only one bid was provided in the amount of \$1,234,567 and it was rejected due to funding and timing. Staff re-evaluated the project and determined that additional funding and timing was necessary to complete the work. The City communicated this to the Natural Resources Conservation Service (NRCS) and requested additional funding and an extension. The City Engineering Department re-advertised the construction bid in February, 2011 with the main difference being a longer timeframe to complete the project. On March 11, 2011, the City received five construction bids with the low bid submitted by Radney Plumbing in the amount of \$990,841. Staff recommended approval of the low bid submitted by Radney Plumbing in the amount of \$990,841 plus a 15% contingency pending a contract extension with NRCS. Emily Davenport stated that they did receive notification from NRCS on April 7, 2011 and the contract extension has been signed by the City and sent to NRCS for their signature. Councilman Yost inquired about the 15% contingency. Larry Hanson, City Manager, stated that due to the complicated nature of this project a 15% contingency has been requested. The City will be receiving a 75% grant for this project. Emily Davenport stated that the project has to be completed within 180 days once it is started and everything must be completed by December 8, 2011. Councilman Yost inquired as to whether this would help Sugar Creek. Emily Davenport stated that are losing a lot of bank sediment load but they are hoping to see some positive impact in the Sugar Creek area. Councilman Norton inquired about the life expectancy of the gabion structure. Emily Davenport stated that if it is designed, installed, and maintained correctly it should last over 60 years.

**A MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the low bid submitted by Radney Plumbing in the amount of \$990,841 plus a 15% contingency pending a contract extension with NRCS.

## LOCAL FUNDING AND REQUESTS

Consideration of a request to approve the Community Development Block Grant (CDBG) Fiscal Year 2011 Annual Action Plan.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta was designated an Entitlement Community in December, 2003 by Housing & Urban Development (HUD). HUD requires the City to adopt an Annual Action Plan, which outlines the City's proposed use of funds allocated under the Community Development Block Grant (CDBG) program. Funds must be utilized to meet one of the three national objectives of the program, which are: (1) Provide a benefit to low and moderate income persons, (2) Present or eliminate slum and blight, or (3) Meet an urgent community need that threatens the health or welfare of the residents. The proposed use of funds for the FY 2011 CDBG allocation has been presented to the CDBG Advisory Committee on January 12, 2011 and during two public meetings held on February 15, 2011 and March 17, 2011 prior to presentation to the Mayor and City Council. Funds will be utilized in the Designated Revitalization Area (DRA), and upon approval by the Mayor and City Council, the proposed plan will then be subject to an additional 30-day public comment period before submission to HUD by May 15, 2011. The total projected allocation for the fiscal year is \$647,678 subject to approval by Congress of the HUD Funding Bill. Mara Register recommended that Council approve the Annual Action Plan and proposed allocation of funding as presented.

**A MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the Community Development Block Grant (CDBG) Fiscal Year 2011 Annual Action Plan and proposed allocation of funding as presented.

Consideration of a request to approve payment for emergency manhole repairs on Country Club Drive.

Henry Hicks, Utilities Director, stated that the Utilities Department has approximately 6,000 sewer manholes within its sanitary sewer system and the majority of these manholes are at least 30-years old or older with some almost 100 years old. Many are seriously deteriorated due to hydrogen sulfide gas corrosion over the years and both their age and constant corrosive effects of sewer gases have caused many to be at a point where failure is imminent without immediate rehabilitation. On February 5, 2011, a sewer manhole on Country Club Drive collapsed leading to a sewer spill at that location. Standard Contractors was contacted to undertake emergency repairs as quickly as possible. On Monday, February 7, 2011, emergency repairs were underway including bypass pumping of sewage around the collapsed manhole to prevent further sewer spills. As a result, Country Club Drive was closed to traffic

to make repairs as quickly as possible. During the repair process, two additional manholes were found to be seriously deteriorated and required immediate rehabilitation by relining each manhole. Also, a storm water culvert was found to be undermined threatening stability of the road itself. The total cost of the emergency manhole repairs was \$71,825.06. Henry Hicks recommended that Council approve payment to Standard Contractors, Inc. in the amount of \$71,825.06 for the emergency manhole repairs on Country Club Drive.

A **MOTION** by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (6-0) to approve payment to Standard Contractors, Inc. in the amount of \$71,825.06 for the emergency manhole repairs Country Club Drive.

### **CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that the City Government 101 classes started on Monday, April 4, 2011 and it is a great class. The next class will be held on Monday, April 11, 2011 and Council is encouraged to attend.

CALEA A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously (6-0) to approve the will be on-site at the Police Department on April 16-19, 2011 and there will be a public hearing on April 18, 2011 at 6:00 p.m. at the Annex. Council is invited to participate.

The City's Electronic Recycling Event which was held on Saturday, April 2, 2011 was very successful and the totals are forthcoming.

The City has a unique, environmental friendly, green program which provides compost to our citizens. There is currently an abundance of compost at the old Landfill site on Val Tech Road and the City will be giving away the compost for free. The compost will be available four days a week in the morning and afternoon. Sementha Mathews, Public Information Officer, has sent out a notice to the citizens of Valdosta.

Matt Martin, Interim Director of Planning and Zoning, has been offered the full time position by Mark Barber, Deputy City Manager of Administration, and he has accepted the offer. Matt has a lot of talent and experience and we are proud to have him on the team.

The City's table at the 100 Black Men Banquet which is being held tonight at 7:00 p.m. at Valdosta Middle School is number 17.

The City will hold its annual Employee Appreciation Banquet on Thursday, April 21, 2011 from 11:30 a.m. to 1:30 p.m. at Saunders Park and Council is invited to attend.

It is time to do the update HUD Analysis of Impediments as part of the Comprehensive Plan and one Council member is needed to serve on the Committee to review the Request for Proposals along with Mara Register, Assistant to the City Manager, and Sabrina Riley-Randolph, Neighborhood Development Coordinator. Councilman Wright stated that he would like to serve on the Committee.

### **COUNCIL COMMENTS**

Councilman Yost thanked those citizens who have been at the entire Council Meeting tonight. There are a lot of citizens who do not stay to hear the business of the City which is very important. The fact that those citizens remaining want to stay to hear the business of the City is important and it is appreciated very much.

Councilman Vickers left the Council meeting at 7:03 p.m. to attend the 100 Black Men Banquet.

Scott Orenstein, 109 Worthington Place, stated that he had two people ask him tonight if he came for the entertainment factor of these meetings and he has thought about that a lot lately. It really burdens him because he cares about the Pledge of Allegiance all the way through the financial reports. He considers himself a concerned citizen and he appreciates what Council does. Even though Councilman Yost has already eluded to it, and while Mr. Quarterman mentioned the spirit of concern and active participation in the community, if you look around now

to see how many people are still here at the conclusion of the meeting there are not very many. This needs to be played in when those people who get up and talk about their true concern for the community. Mr. Orenstein stated that it bothered him when people get up and leave in the middle of the meeting and he asked that Council consider moving the public participation portion of the meeting to the end of the Council Meeting.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (5-0) to adjourn the April 7, 2011 meeting of the Valdosta City Council at 7:05 p.m. to meet again in regular session on Thursday, April 21, 2011.

---

City Clerk, City of Valdosta

---

Mayor, City of Valdosta