

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, APRIL 8, 2010**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Deidra White, John Eunice, Robert Yost, and James Wright. The invocation was given by Reverend Roy J. Brown, Jr., Payton A.M.E. Church, followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES**

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

**CITIZENS TO BE HEARD**

Roy Taylor, 2209 Bridlewood Drive, thanked the Mayor and City Manager for a job well done. In 1991 he built a new office building on Ashley Street which was dedicated by the late Mayor Jimmy Rainwater. Mayor Rainwater told him that most people were retiring at his age and not continuing to build. Mr. Taylor told him that they were lazy because he had a goal in life and until he died it would not be achieved. He has enjoyed living in Valdosta and doing the things that he has been able to do. Mr. Taylor stated that the Police Department has done a tremendous job in making arrests. They have arrested everyone who has committed a major crime in this City and County in the last couple of years. Mr. Taylor stated that he would never want to kill anyone but if someone broke into his home or came into his yard and tried to hurt him then he would not have to call the Police Department but would call the ambulance. This is not a black issue anymore because approximately 20 young people under the age of 30 years old have been arrested within the last three months. It is the youth of our community that do not have the proper parenting to tell their children what to do and to make sure they do it. In the State of Georgia, the law says that parents are responsible for their children until they turn 18. Mr. Taylor asked Council to pass an ordinance and every time a child does something wrong the parent should be put in jail because if you have children then you should be responsible for those children. When his son was 16 years old he bought him a brand new car and when he tried to outrun a State Patrol Officer he tore it up. Mr. Taylor stated that when he got his son out of jail he made him ask the Officer for forgiveness. He then took his son home and found out his brain was in the seat of his pants and his belt found it. He never had that problem again and his son never wanted to disobey his father again either. Mr. Taylor asked Council to think about that ordinance.

Mr. Taylor stated that there is also a problem on Ashley Street. He has over \$1 million invested in Ashley Street and about two blocks over he has another \$2.5 million invested. He went to Greensboro, South Carolina one time and found out how cities should look and came back to Valdosta and purchased 17 dilapidated buildings. He wanted to fix them up and make people proud to live in Valdosta; however, he ran into the Historic Preservation Commission and that changed his mind. He donated two buildings to the City, sold the rest, and got out of that business. Ordinances that are passed need to have some common sense. Council passed an ordinance without his knowledge because he did not read the paper and did not let Council know what he thought about it. Mr. Taylor asked that Council rethink the last ordinance they put in. Businesses on Ashley Street are letting their property deteriorate and he would like to help them bring their property up so it will look nice. When passing ordinances, Council needs to check with the people who own property and live in the City. Mr. Taylor stated that if the Mayor would like to start a Business Committee then he would support it with money and effort. Mayor Fretti stated that he had recommended to Mr. Taylor that since Ashley Street is a focus of some of the zoning regulations that maybe they could form an Ashley Street Business Association. Even though that is part of the Chamber's function, if everyone on Ashley Street could get together then they could self-monitor it. Mr. Taylor stated that he still has property on Ashley Street and intends to keep that and purchase more. There have been 210 jobs lost on that street in the last two years. There are now approximately 800 people now on welfare and looking for jobs so that they can survive.

Mr. Taylor also stated that eight months ago he came before Council to have a Residential-Professional or Professional building rezoned for a daycare center. The house has 3,000 square feet, three bathrooms, and plenty of room without an impeded traffic problem. There was one person who spoke against the request. The applicant has paid Mr. Taylor eight months rent and Valdosta and Lowndes County has 800 pages of ordinances that they have to go through. Mr. Taylor stated that Anne-Marie Wolff had previously recommended that they put 12 people in there and you cannot pay four employees to take care of the children with just 12 people. Mr. Taylor stated that there is a way to do your job when you are working for the taxpayers. He would like to have some of the ordinances thrown out. He was not asked and no one else was asked about the ordinance regarding Ashley Street. Council is supposed to be doing what is best for the citizens and they trust them to do that. Someone needs to draw up a list of everything that you have to go through. The applicant has gotten this to Atlanta and the person in Atlanta told them it was in a stack of papers but she has now gotten that approved. It is now at the Health Department and she was told that the water would have to be checked. The water has already been checked previously. They also needed to know about the septic tank. Mr. Taylor told him that they previously had 24 agents in the house and 8 office employees and they never had a problem. The man then asked about the line coming out of the septic tank. Mr. Taylor stated that it was put there approximately 20 years ago and he was not going to dig it up to measure the line. He was going to get a plumber to run a cable in there to measure the line but was told that they had to have it inspected. Mr. Taylor stated that was when he called the City so that it could be handled in a respectful way. If Council has something in place to keep from opening a business and measure the length of a drainage pipe which already works perfect, there are some problems with the ordinances whether they are City, County, or Federal. Mr. Taylor stated that he wanted something done about the ordinances. Mayor Fretti stated that the City Manager advised him that most of the issues brought up by Mr. Taylor were not a function of the City but a function of the State, the Health Department, and some County Codes.

## **PUBLIC HEARINGS**

### **ORDINANCE NO. 2010-12, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A FRATERNITY/SORORITY FACILITY IN A TWO-FAMILY RESIDENTIAL (DR-10) ZONING DISTRICT**

Consideration of an Ordinance for a Conditional Use Permit to allow a Fraternity/Sorority facility in a Two-Family Residential (DR-10) Zoning District as requested by Irrevocable Life Insurance Trust of Louie S. Blanton (File No. CU-2010-04). The property is located at 304 Baytree Road. The Planning Commission reviewed this request at their March regular meeting and recommended approval (6-2 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that the applicant, Irrevocable Life Insurance Trust of Louie S. Blanton represented by Ben Blanton, is requesting a Conditional Use (Special Exception) for a Fraternity/Sorority facility in a Two-Family Residential (DR-10) Zoning District. The property consists of 1.07 acres and is located at the northeast corner of Baytree Road and Boone Drive. The Valdosta State University Education Center building and football practice field is located across the street from the property which currently contains a Single-Family residence. The applicant is proposing to convert the property into an administrative meeting house for the Fellowship of Christian Athletes (FCA). The property is located within an Institutional Activity Center Character Area on the Future Development Map of the Comprehensive Plan and within the Residential Parking Overlay District. It is also located just outside the City's local historic district and the Baytree-University Corridor Overlay District. The property is still zoned DR-10 on the City's Official Zoning Map even though this District is not recognized by the City's newly adopted Land Development Regulations (LDR). All development regulations in the old Ordinance which are specific to DR-10 zoning (such as use of land and setbacks) are applicable in this case; however, all other development regulations in the current LDR not specific to the Zoning District (such as parking requirements, buffering and landscaping, signage, and supplemental use standards) are also deemed applicable. Procedurally, this request is being processed under the terms of a Special Exception in the old Ordinance (for DR-10 zoning) but also the procedures and review criteria of a Conditional Use permit under the LDR. Hence, it has been a true "hybrid" kind of review. The proposed use is not a typical Fraternity/Sorority facility, but this is the closest classification that can be found in either the old regulations or the LDR. Care must be given as to how the relevant development standards are applied to this use, as well as how the appropriate conditions of approval are determined. The property has a recent history of parking issues with numerous cars in the front yard, and this is subject to the requirements of the City's Residential Parking

Overlay District; however, the development patterns in this area are transitioning to that which is less residential and now more strongly affiliated with Valdosta State University. The site plan proposes a driveway that enters off of Baytree Road and circulates around to the rear of the property and exits onto Boone Drive, parking, and landscaping to meet the current standards. The Comprehensive Plan's goals and policies and Character Area designation all support the development of University-compatible uses in this area. Therefore, given the property's location immediately across the street from the Valdosta State University campus and the surrounding "University style" land use pattern, this is an excellent location for the proposed facility. Staff found the request consistent with the Comprehensive Plan, the Conditional Use (Special Exception) Review Criteria, and recommended approval with the following conditions: (1) Approval in the name of "Fellowship of Christian Athletes (FCA)" only and subject to the submitted site plan, (2) The facility shall house at least two full-time residents and shall retain its existing residential appearance, (3) Install a paved driveway (one-way inbound from Baytree Road) with a minimum of 10 paved parking spaces and up to 25 additional parking spaces (35 total) may be provided as unpaved with materials and design as approved by the City Engineer, (4) Eliminate the existing unpaved circular driveway in the front yard as well as the western most existing curb cut onto Baytree Road, restore this curb and gutter section as required by the City Engineer, and prohibit all parking in the front yard area except as indicated on the approved site plan, and (5) Signage shall be limited to one monument-style freestanding sign along Baytree Road with a maximum height of 8 feet, a maximum area of 32 square feet, and landscaping around the base as part of the site's approved landscape plan. The Planning Commission reviewed this request at their March 29, 2010 regular meeting and recommended approval (6-2 vote), including the five conditions in Staff's recommendation and with paving of the driveway and parking spaces to be completed by August, 2011. Rationale for the recommendation included consistency with the Comprehensive Plan and satisfactory findings regarding the City's review criteria for Conditional Use Permits and Special Exceptions. Mayor Fretti inquired as to whether any of the conditions had changed since the Work Session on Tuesday night. Matt Martin stated that there has been some discussion between the applicant and the City Engineer regarding timeframes and materials acceptable in lieu of paving but nothing has changed.

George Thomas, 6 Ridgeview Circle, spoke in favor of the request. Mr. Thomas stated that he is involved in the FCA ministry at Valdosta State University and is a member of the applicant family. He has heard it called a Fraternity/Sorority house but it is a Fraternity/Sorority house with a whole different purpose. The purpose is to build Christian character and help young people establish their faith. Mr. Thomas asked Council to entertain the thought that instead of paving the site they allow them to use a surface suitable to the City Engineer that would still accommodate what the City is attempting to accomplish.

No one spoke in opposition to the request.

**A MOTION** was made by Councilman Yost to approve the Conditional Use Permit for the FCA facility on Baytree Road with these changes in the five conditions as follows and to go from five to six conditions: Item (3) - As indicated on the site plan, install a one-way inbound driveway from Baytree Road through to Boone Drive and a parking lot to accommodate up to a maximum of 35 cars. The parking lot and driveway shall consist of an improved surface as approved by the City Engineer in accordance with the City's Residential Parking Overlay District and it shall be fully in place by August 1, 2010. Item (4) - Eliminate the existing unpaved circular driveway in the front yard as well as the western most existing curb cut onto Baytree Road and restore this curb and gutter section as required by the City Engineer by no later than August 1, 2010, immediately prohibiting all parking in the front yard area except as indicated on the approved site plan. New Item (6) - This Conditional Use Permit shall come back to the City Council in one year, April 7, 2011, for re-evaluation to determine if these conditions are still adequate. The request shall also go before the Planning Commission at their March, 2011 meeting for a recommendation. Both of these Public Hearings shall be advertised by a posted sign on the property and also certified letters sent to adjacent property owners but shall omit the newspaper notice of public hearing. Councilman Vickers seconded the motion. Councilman Carroll asked for a legal interpretation on Item (6). George Talley, City Attorney, stated that they would need to run an ad. Larry Hanson, City Manager, stated that they could not have a Public Hearing and omit the public notification part of it because it would not meet the standard of a Public Hearing. Mayor Fretti inquired as to whether this was omitted to save costs. Councilman Yost stated that it was and he is more than willing to amend the condition to reflect that instead of doing away with the advertisement in the local newspaper to make it where they would have a normal advertisement. Larry Hanson stated that this is part

of the process and is part of the fee so they would be paying a fee anyway to have the hearing and the ad is just a portion of it. The applicant is not buying it directly and it is advertised by the City. Matt Martin stated that this may need to be reflected in the decision if this is to be regarded as a new application because then there would need to be a new set of fees. The way it is currently worded the intent is that it would remain the same application and would simply be a revisit of Council's decision tonight to occur one year from now. There would be some cost for re-advertisement and without a new fee being collected from the applicant the City would bear the full expense of the re-advertising plus Staff time. The legal question is whether tonight's Public Hearing action giving notice of the meeting one year from now is sufficient or does it have to be re-advertised. Mayor Fretti inquired as to why they would be reviewing it in one year. Matt Martin stated that the issue is whether to pave all of the parking or whether the material approved by the City Engineer will indeed be adequate; therefore, they would be given one year to see if it could work. Mayor Fretti inquired as to whether they could leave that up to the discretion of the City Engineer. Larry Hanson stated that he did not see this as a land use or Planning Commission issue and inquired as to why it would go back before them. The real issue is about whether the Parking Overlay District and having a firm surface that is adhered to. They could eliminate a lot of this by just saying that it would come back before the City Council in a year with a recommendation by the City Engineer. Matt Martin stated that they could do that and the only reason the Planning Commission might be listed there is because it is a Conditional Use review and that involves conditions of approval. Larry Hanson stated that the Conditional Use is not what will be considered but whether the parking requirement not to have a pervious surface is working and whether the City needs to tell them to pave it. Matt Martin stated that if any conditions of the Conditional Use approval are amended it will have to go back before the Planning Commission also. Larry Hanson stated that the way it is written now it is at the discretion of the City Engineer and if it is in his discretion that after one year it has not worked and needs to be paved it is still within the conditions as read. Matt Martin stated that if they narrow the language to specifically that then it would be enough. Mayor Fretti stated that was efficiency in that the City Engineer is doing it now and what he can do a year from now. Hopefully it would not trigger a Conditional Use; however, if it does we should not ask FCA to pay for the advertising because we are asking it to come forward. Councilman Payton inquired as to whether Mr. Thomas and FCA are asking for a year before they do anything to the surface. Mr. Martin stated that by the timeframes included in the motion Councilman Yost is asking to have until August 1, 2010 to get the parking lot in shape for unpaved material as approved by the City Engineer. The one year is to have the whole matter come back before City Council in regards to paving or not paving if the unpaved material does not seem to work in the course of a year. Council could then consider asking FCA to pave the parking lot or leave it in an unpaved condition. Councilman Vickers stated that he has never heard of a rezoning come back for a review in a year. This should be a condition and they should work with the Engineering Department and have the authority to determine if it is working or not. They are trying to make this complicated and they need to use some common sense. Councilman Yost stated that he agreed and what he was trying to do was to be very careful and not put anyone in a tough situation. He had no problem with either doing away with the sixth condition altogether or re-wording the sixth condition to reflect that it would be at the City Engineer's discretion. When they do approve something now if there are problems then the neighbors will call and the City Engineer will go look and make a recommendation as to what comes next. He was fine with that but felt they might want to cover themselves. Mayor Fretti inquired as to whether Councilman Yost and the Councilman Vickers were agreeable to changing that section of the motion to reflect a review by the City Engineer in one year. They were both in agreement to the change. Councilman Carroll stated that he wanted to make sure that Council was prepared to make these same offers to future applicants by Fraternities and Sororities along Baytree Road and Oak Street because they will be setting a precedence. Mayor Fretti stated that a Conditional Use in all zoning is about co-existence and if there is a material that is put down and creating a lot of dust then the neighbors will tell us and the City Engineer will let them know. If they refuse to do something else then the Conditional Use is pulled and comes back to Council. We have just experimented with other materials such as crushed asphalt and they should see if this or other materials will work. Matt Martin stated that there is a section in the new regulations that requires all parking areas to be paved. Because this property is in DR-10 zoning and the use of Fraternity/Sorority falls under DR-10 in the old regulations it could be argued that the new standard does necessarily apply to them but would apply to other Fraternities/Sororities operating under the new Ordinance and not the old one; however, with the Conditional Use process they have the ability to add conditions that would be deemed appropriate to help these fit into the neighborhood. It would not necessarily come up this same way again. Councilman Carroll asked that Item (6) be re-read in its final form. Councilman Yost stated that basically they were doing away with Item (6) and going on

the recommendation of the City Engineer of reviewing it in one year. Councilman Yost stated that with the Parking Overlay that they currently have it has been a very fluid Ordinance because they have gone and met with the residents to discuss what was and was not working. That is where they have left it to the review and discretion of the City Engineer because some people may not be able to afford to have it paved with cement or asphalt. This will be a continuous process until they get it set where it will work for everyone. Councilman Yost inquired as to what another Fraternity or Sorority would do with parking if they wanted to purchase a home on Baytree Road. Matt Martin stated that if they are in DR-10 zoning, which will eventually be eliminated and put into a category that is now recognized, there are in the same position as FCA in terms of how it is reviewed and standards applied by Planning and Zoning. If they are in a district that is recognized by the new regulations they are subject to all of these standards which include parking being paved. Councilman Carroll inquired about the amount of DR-10 zoning was in that area. Matt Martin stated that there was a lot of DR-10 zoning in that area. Mayor Fretti inquired as to what Councilman Carroll was recommending. Councilman Carroll stated that this was a slippery slope when they start not requiring one applicant to not meet Code because that means they are going to have to look at that slippery slope for future applicants and there is an enormous amount of DR-10 zoning around the University. In theory, if they had an application that came in tomorrow they would have to give them the same deal. Mayor Fretti stated that maybe they should look at applying new parking standards in all of their zoning classifications because Council has indicated that they want less imperious material in our town, less stormwater runoff, and more creative parking lots and material that will absorb and not run off. This particular situation is a parking lot and they are going to have to do something serious and they cannot play around with some material that will not work because there are 35 cars per day parking there. Matt Martin stated that the DR-10 zoning will be changed to something else within the next few months and most of the DR-10 zoning on the map is actually Valdosta State University property but there is more DR-10 around and in terms of Fraternities and Sororities it is a requirement that they must be across the street or next to the University property. Councilman Vickers commended the Mayor for his comments on using alternative materials because they are struggling trying to address the drainage and flooding problems and the more water they can keep on the property then the less water there will be in the system. They need to be open-minded and not try to have one thing fit all.

Councilman Vickers called for the question to stop the debate. Councilman Carroll seconded the call for the question. The call for the question was a supermajority and the debate was closed.

The motion was unanimously adopted (6-1) with Councilman Payton voting in opposition to enact Ordinance No. 2010-12, the complete text of which will be found in Ordinance Book XI.

Consideration of an Ordinance to rezone .57 acres from Planned Commercial Development (PCD) to Highway-Commercial (C-H) to establish a gasoline/ convenience store as requested by Philip Cochran, Agent for Racetrac (File No. VA-2010-07). The property is located at the northeast corner of Bemiss Road and Guest Road. The applicant withdrew his application prior to the Greater Lowndes Planning Commission's March regular meeting.

Mayor Fretti stated that the applicant has withdrawn his request and no action will need to be taken.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 2010-13, AN ORDINANCE AMENDING THE ALCOHOLIC BEVERAGE ORDINANCE**

Consideration of an Amendment to the Alcoholic Beverage Ordinance.

Mara Register, Assistant to the City Manager, stated that City Staff has been working with the Main Street Program, the Central Valdosta Development Authority, and members of the Downtown Valdosta Merchants Association to revise and formulate Ordinance Amendments and new Ordinances that support the continued positive growth of the Downtown District. This Amendment will add back the requirement of food service to those establishments that also serve alcoholic beverages in the Commercial Downtown (C-D) Zoning District except for those establishments serving only wine. The food service requirement is already in place in the C-C and C-H

Zoning Districts. The Amendment will require those establishments to have an operative cooking facility and kitchen equipment for accommodating the demand of 30 customers in the C-D Zoning District. There are also some minor housekeeping changes to eliminate redundant sections such as Sunday sales and to appropriately place some language that was listed in other sections but should have been in this section. The City Attorney recommended that the State definition of what constitutes a church be added as well as clarifying distance measurements. Mara Register recommended that Council approve the Amendment to the Alcoholic Beverage Ordinance. Councilman Vickers inquired as to why they did not have 30 seats in all Commercial Zoning Districts. Larry Hanson, City Manager, stated that 30 seats were required in C-H and 60 in C-C Zoning. In C-C they wanted it to have more of a restaurant feel than a bar feel and C-H is heavy commercial so they were less concerned about the incompatibility and complaints. The City Attorney will be doing a rewrite of the entire Alcohol Ordinance and this will be taken into consideration.

**A MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Ordinance No. 2010-13, an Ordinance amending the Alcoholic Beverage Ordinance, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2010-14, AN ORDINANCE AMENDING THE MAYOR/COUNCIL TRAVEL POLICY**

Consideration of an Ordinance to amend the Mayor/Council Travel Policy.

Mark Barber, Deputy City Manager of Administration, stated that the Mayor and City Council developed a list of Action Items for Staff at the recent Mayor/Council Retreat held on March 12-13, 2010. One of the action items was to amend the Mayor/Council Travel Policy to allow the Community Planning Institute as specifically authorized training under Ordinance 2008-8, Section 2-3012(3)d. Mark Barber recommended that Council approve the Ordinance to amend the Mayor/Council Travel Policy and allow the Community Planning Institute to be added to the list of conferences and meetings that Mayor and Council can attend without additional approval.

**A MOTION** by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (7-0) to enact Ordinance No. 2010-14, an Ordinance amending the Mayor/Council Travel Policy and allow the Community Planning Institute to be added to the list of conferences and meetings that Mayor and Council can attend without additional approval, the complete text of which will be found in Ordinance Book XI.

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

Consideration of a request to approve the 2011 Southern Hospitality Group Work Camp Agreement.

Mara Register, Assistant to the City Manager, stated that the City has successfully completed four Southern Hospitality Work Camps and repaired 183 homeowner occupied homes through this effort. The 2010 Camp will be a Senior High Camp effort and will be held June 13-19, 2010. More than 150 youth representing many denominations and states will come together in our City to repair approximately 25 houses in one week. Each participant pays \$399 each to cover food and housing costs. All of the previous Work Camps have been a great success and we want to continue this partnership in an effort to eliminate substandard housing in our community. The project requires a \$19,000 monetary sponsorship to support the purchase of supplies for the repairs. One-half of the funds (\$9,500) are provide from the City and the remaining \$9,500 is provided by Lowe's Distribution Center. The Valdosta School System will again be approached to house and feed the volunteers at the Valdosta Middle School. The City of Valdosta will conduct the overall project administration as it has done in the past. The Group Work Camp Foundation requires the City of Valdosta to execute a Co-Sponsor Agreement in order for the City to be considered for a 2011 site and to receive our priority dates for the event. The Agreement is identical to the previous agreements that have been presented to the Mayor and City Council and have been previously reviewed and approved by the City Attorney. Submitting the proposal at this time will assist in securing the volunteers necessary for the project. Staff is proposing that Group Work Camp Foundation approve our community for a June 19-25, 2011 date. The administrative structure and a portion of the required funding are committed to conduct the project. Mara Register recommended that Council approve the 2011 Southern Hospitality Group Work Camp Agreement.

A **MOTION** by Councilman Carroll, seconded by Councilman Yost, was unanimously adopted (7-0) to approve the 2011 Southern Hospitality Group Work Camp Agreement.

Consideration of a contract for the design, bidding, and construction oversight of the Savannah Avenue and Fry Street elevated water storage tank.

Henry Hicks, Director of Utilities, stated that in 2006, the City of Valdosta was approved for a special appropriations grant of \$500,000 as well as \$5,000,000 in a Georgia Environmental Facilities Authority (GEFA) loan to design and construct an elevated water storage tank at Scott Park. In 2007, Camp Dresser & McKee (CDM) updated the Water Distribution System Hydraulic Model and determined that the best location for an elevated water storage tank would be at the current Savannah Avenue/Fry Street location. In 2009, the Utility Department was allowed to modify the special appropriations scope to change the location of the grant to the Savannah Avenue/Fry Street location based on the recommendations of the 2007 model update. Funding for the design and construction of the elevated storage tank was carried forward into the FY09 budget. The current elevated water storage tank at Savannah Avenue/Fry Street has a limited capacity of 200,000 gallons and has deteriorated to a point where this tank needs to be replaced. The size and capacity of the proposed replacement tank would be 2.0 million gallons of water and will significantly improve water flow and fire fighting capabilities throughout the affected area. Funding for this work is still available under both the special appropriations grant and 2006 GEFA loan. Henry Hicks recommended that Council approve a contract with Camp Dresser & McKee, Inc. in the amount of \$397,679 for the design, bidding, and construction oversight of the Savannah Avenue and Fry Street elevated water storage tank. Councilman Yost inquired as to what the total storage capacity would be in the City. Henry Hicks stated that the total elevated storage is approximately 4.5 million gallons. Mayor Fretti inquired about the timeline. Henry Hicks stated that they are currently working with the railroad to determine if they need to do a property swap with the exiting tank and an adjacent property owner. Councilman Payton inquired about the cost of the tank itself. Henry Hicks stated that once the geo technical work is completed they will know what type of foundation footings they will need for that tank.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve a contract with Camp Dresser & McKee, Inc. in the amount of \$397,679 for the design, bidding, and construction oversight of the Savannah Avenue and Fry Street elevated water storage tank.

Consideration of a request from the Valdosta-Lowndes County Airport Authority to accept and execute the Federal Aviation Administration's Grant Agreement for midfield drainage improvements at the Airport (Project Number 3-13-0115-26-2010).

Mark Barber, Deputy City Manager of Administration, stated that the Valdosta Regional Airport applied for a grant through the Federal Aviation Administration on March 3, 2010 for airport improvements, specifically for midfield drainage improvements at the Airport. The Federal Aviation Administration has agreed to pay 95% of the allowable costs incurred for midfield drainage improvements at the Valdosta Regional Airport. The maximum obligation payable under this offer is \$500,000 for airport development. If the terms of the grant offer are acceptable, the Mayor will need to sign the Grant Agreement as the City's official designated representative and the City Attorney will need to certify that the acceptance complies with local and state laws and constitutes a legal and binding obligation on the part of the Airport sponsor. No Resolution is required. Mark Barber recommended that Council approve the request from the Valdosta-Lowndes County Airport Authority to accept and execute the Federal Aviation Administration's Grant Agreement for midfield drainage improvements at the Airport.

A **MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve a request from the Valdosta-Lowndes County Airport Authority to accept and execute the Federal Aviation Administration's Grant Agreement for midfield drainage improvements at the Airport.

Consideration of bids for former Island 35A water and sewer installation.

Von Shipman, City Engineer, stated that Council approved contracts with three local engineers to design water and sewer improvements to serve the property in former unincorporated islands that were annexed in 2006.

The three locations are: (1) West side of St. Augustine Road and on the north and south sides of River Street, (2) Smithbriar Drive and Pine Point Circle area near Five Points, and (3) Cherry Creek Hills (South Lakeshore, North Lakeshore, Cherry Creek Drive, Cherry Creek Road, and Ridge Road. Bids were received at 10:00 a.m. on April 6, 2010 for former Island 35A. The low bid was submitted by Standard Contractors in the amount of \$597,835. The Engineering estimate was \$789,708. Von Shipman recommended that Council approve the low bid submitted by Standard Contractors in the amount of \$597,835 plus a 10% contingency to handle any unforeseen circumstances.

**A MOTION** by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (7-0) to approve the low bid submitted by Standard Contractors in the amount of \$597,835 plus a 10% contingency to handle any unforeseen circumstances for former Island 35A water and sewer installation.

## **LOCAL FUNDING AND REQUESTS**

Consideration of a request for emergency sewer repairs.

Henry Hicks, Director of Utilities, stated that the majority of the sanitary sewer collection system is well over 30-years old and like many systems in the U. S. is in need of rehabilitation. Portions of this system are 50 to 100 years old. As a result, this system has deteriorated to a point where emergency repairs are becoming more prevalent to prevent sewer spills from occurring on a regular basis. The Utilities Department has prepared a long term capital improvements program for rehabilitation of the entire sewer collection system to address these ongoing issues. In the past 18-months, the Utilities Department has made emergency repairs to collapsed manholes and associated sewer lines at the Mud Creek Wastewater Treatment Facility, the Cypress Street and Sugar Creek areas, as well as relined several manholes approaching collapse within the sewer system. Over a month ago while investigating the sewer system condition for expansion of the Alpha Pro Tech expansion project, several manholes were found to be seriously corroded and not capable of being used to connect this proposed facility expansion to the existing sewer system. In order to proceed as quickly as possible with this connection, three manholes and their associated sewer lines needed immediate replacement. Three local underground contractors were contacted for proposed scope of work and cost estimates for the emergency repairs. Standard Contractors was selected to perform this work as quickly as possible at a total cost of \$58,000. The developer for this project covered the costs associated with abandoning an old internal sewer line and replacing it with a new manhole and sewer lines connected to the replaced City manholes. Henry Hicks recommended that Council approve the request for emergency sewer repairs.

**A MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (7-0) to approve request for emergency sewer repairs.

Consideration of a request to approve the use of Mayor/Council Contingency Funds for the Valdosta City Government 101 Program.

Mara Register, Assistant to the City Manager, stated that to complete a 2009 Fiscal Year goal adopted by Mayor and Council, the City of Valdosta will offer six classes to interested citizens every year to educate and engage citizen involvement in the community. The program overview and agenda consists of six separate sessions beginning on Monday, April 6, 2010, and continuing each Monday thereafter through the final session on May 22, 2010. Funding for this program has already been approved by Mayor and Council at the August 6, 2009, Valdosta City Council meeting. Staff now asks for approval to use funds in the amount of \$1,400 from the Mayor/Council Contingency Fund. Mara Register recommended that Council approve the request to use Mayor/Council Contingency Funds for the Valdosta City Government 101 Program.

**A MOTION** by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (7-0) to approve request to use \$1,400 from Mayor/Council Contingency Funds for the Valdosta City Government 101 Program.

Consideration of an Amendment to the Mayor/Council Policies and Procedures.



Mara Register, Assistant to the City Manager, stated that the Mayor and City Council recently participated in the Annual Retreat, March 12-13, 2010. During the retreat, a list of action items was developed to be addressed by Staff. One of the action items was to amend the Policy Procedures and Guidelines of the Valdosta City Council to address the recommendation that all newly elected City of Valdosta officials should register and complete the Georgia Municipal Association (GMA) class on Planning and Zoning or the Community Planning Institute sponsored by the Georgia Planning Association within one year after taking office, based on available space during registration. This recommendation may be added as a new paragraph under "Section II - Conduct" in the Policy Procedures and Guidelines. Mara Register recommended that Council approve the Amendment to the Mayor/Council Policies and Procedures.

**A MOTION** by Councilman Carroll, seconded by Councilwoman White, was unanimously adopted (7-0) to approve an Amendment to the Mayor/Council Policies and Procedures.

Consideration of an Amendment to the Boards, Commissions, Authorities, and Advisory Committees Appointment Policy.

Mara Register, Assistant to the City Manager, stated that Staff had been requested to place a request on the Mayor and City Council Agenda to amend the City of Valdosta Boards, Commissions, Authorities, and Advisory Committees Appointment Policy to remove the residency requirement for applicants. Section 7 of the City of Valdosta Boards, Commissions, Authorities, and Advisory Committees Appointment Policy currently requires all persons desiring to fill vacancies be City of Valdosta residents. There was discussion among the Mayor and City Council at the Annual Retreat held on March 12-13, 2010 to amend this section of the policy to remove the residency requirement. Mayor Fretti stated that by removing the City of Valdosta residency requirement there is no current area that is pointed out for it to be and asked that something be included in the motion. Councilman Vickers stated that he had requested that this item be placed on the Agenda and he recommended that all City appointees must live in the City of Valdosta and Lowndes County.

**A MOTION** was made by Councilman Vickers to approve an Amendment to the Boards, Commissions, Authorities, and Advisory Committees Appointment Policy and remove the City of Valdosta residency requirement and expand it to Lowndes County. The motion was seconded by Councilman Carroll. Councilman Yost stated that he did not intend to offend anyone at the Work Session with his comment that by not selecting someone from the City that they were doing something illegal; however, Council owes it to the people they serve and who elected them to be given the only opportunity to serve on our Boards and Authorities. If there is something that has occurred recently or in the past that has changed the minds of Council then Councilman Yost wanted to hear it because maybe then he would vote in favor of the motion. Councilman Yost stated that he was not sure why they were changing it again because it has worked in the past and if they have made a bad nomination then he would like to know that because it sounds like that may possibly be the case. Councilman Carroll stated that by approving this they are not restricting any Council person now or in the future of establishing their own criteria for their selection and nomination to Boards and Commissions; however, by making this change they are allowing those who do have strong nominees and do not live in the City of Valdosta an opportunity to bring them before Council for an appointment to a Board or Commission. Councilwoman White inquired as to at what point can they stipulate that at least property ownership should be included in the eligibility for a City appointee. Mayor Fretti stated that the current motion would have to be voted down and if this were another motion to be entertained and it was a compelling motion then Council might vote this down and vote for that; however, it was brought to Mayor Fretti's attention that the Public Art Advisory Committee Ordinance has a requirement of working in the City, living in the City, or owning property in the City which was pretty broad. This Amendment will override that. George Talley, City Attorney, stated that he was not sure that it would override it. Council is amending the Policy and that was an Ordinance. For example, under the law the Central Valdosta Development Authority requires that members come from a certain category. Mayor Fretti stated that there will be some Boards and Authorities that would not be affected by this Policy Amendment. George Talley stated that was correct. Councilman Vickers stated that his reason for making the recommendation was to open it up to a larger pool of individuals who are interested in the welfare of our community as a whole. We need to tear the walls down because the City and County are joined at the hip and if one sinks they both sink. For example, the residents of Stone Creek come into Valdosta to go shopping and we need to look at the City and County as a whole. The past several years we have perpetuated the

situation and it is not them and us but rather it is us together. Some of the biggest property owners in Valdosta live in the County and we need to be one community and when we make appointments we need to appoint people who are going to look at the community as a whole and do a good job. Councilwoman White stated that she agreed with everything Councilman Vickers had stated and she was not afraid of a bigger pool because it serves them in a positive way; however, her reservations were that having a financial stake in something gives you a greater care and sense of responsibility. She also had a fear of diluting the base of City residents, specifically the minority base, by opening it up to the bigger pool so that they would have fewer appointments available for the minorities in the City. Councilman Vickers stated that under the old system they had more minorities on Boards and Commissions than what is in place now. He, as a minority, would not do anything willingly or openly to dilute the minority rights to vote. He has been a champion for the minority and the community as a whole. Some but not all of the minority talent, such as Edgar Roberts, Jerome Tucker, Jerome Waters, and Anthony Payton, live in the County. The motion was adopted (5-2) with Councilman Yost and Councilwoman White voting in opposition.

### CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the City of Valdosta was selected to host the Georgia Municipal Association's Heart and Soul Tour on Thursday, April 15, 2010. There will also be a reception at 6:30 p.m. and dinner at 7:30 p.m. in the Downtown area.

The first City Government 101 Class was very successful and there will be five more programs to follow. On Monday, the group will meet at the Municipal Court for Public Safety. They will leave 15 minutes at the end of each class to allow any Council members to attend and answer any questions that the participants may have.

Larry Hanson, City Manager, stated that he received a notice from Mediacom that they are once again raising rates in the City and as consumers and citizens we are all disappointed. Mediacom will be raising fees on the digital package from \$10 to \$12 per month, a \$2.00 monthly increase on HBO, and a \$1.00 monthly increase on the DVR service. There will be no increase on voice mail and the DVR increase was from \$5.00 to \$6.00. Additionally, there is a \$2.00 increase adjustment on packages that include HBO. This is a fairly substantial increase for residents who have cable service with Mediacom. Cable companies are not regulated by local governments and fall under the regulatory authority of the Federal Communications Commission (FCC). Also, under the Federal Telecommunications Act of 1996, cities cannot regulate rates of private cable companies. Larry Hanson stated that in 2004 the City commissioned a study to look at going into the cable business to compete with cable, Internet, and telephone service. At the end of that study, the City chose not to enter into that business but did negotiate a Forbearance Agreement with Mediacom aside from the Franchise Agreement because at the time Valdosta residents were paying more than Mediacom customers in the adjacent communities. Mediacom agreed not to charge Valdosta residents any more than residents in their communities that had competition which included Moultrie, Camilla, Cairo, Tifton, and Thomasville. In all those communities the competition was the local government itself because the City had built a cable franchise so Mediacom had to lower their rates in those competitive communities. The City of Valdosta's agreement with Mediacom was that they would not charge Valdosta residents any more than what they were charging in those communities where they had competition. Mediacom agreed to that and it was put in place. In 2008, the Georgia Legislature passed a statute allowing telecommunication companies to opt for a State-wide Franchise Agreement rather than a local Agreement. The various telephone and cable companies made a case before the General Assembly that it was too difficult for them to negotiate with over 700 individual governments because a phone company and cable company would have to negotiate a separate Agreement in every City and County. They wanted a "one size fits all" State Franchise Agreement that would allow them to do business in any community and the Legislature agreed and adopted that. Mediacom immediately opted for the State-wide Franchise Agreement which means locally we could not negotiate our own terms and agreements with Mediacom. Additionally, one of the good things out of that is that it allowed us to approve that State Franchise Agreement so that we could allow any other company wanting to do business in Valdosta to do so. City Council approved an open Franchise Agreement two years ago that will allow any competitive cable carrier to come into this community at any time and offer competitive cable service. We have made AT&T aware of this and they seem to be a logical fit because they are already here, they are in the phone business, they already own lines and poles, have crews, and they are getting into the cable business in Atlanta and some markets. We are very open and encourage any cable company that wants to do business in the City of

Valdosta to do so; however, if you look nationally you will see very few small and mid-size communities in America where there is competition. It seems like the industry had an unwritten rule years ago that they would not compete in communities so there is a lot of monopoly type service in America in the cable business. The City of Valdosta has no regulatory authority over a cable company and the rates they charge. Mayor Fretti stated that we have had two other Mediacom increases during this economic downturn and that is disappointing. The City has very little control, if any, over this and we invite any other competitors to come into Valdosta and speak with us.

Larry Hanson, City Manager, stated that we are in the advertisement phase of the next slate of appointments for the Boards, Commissions, and Authorities and the deadline is April 28, 2010. There are a lot of opportunities available and there will be appointments for the Greater Lowndes Planning Commission, Keep Valdosta-Lowndes Beautiful Board, Valdosta Housing Authority, Valdosta-Lowndes County Housing Board of Adjustments and Appeals, Valdosta-Lowndes County Airport Authority, Valdosta-Lowndes County Construction Board of Adjustments and Appeals, Valdosta-Lowndes County Parks and Recreation Authority, the Valdosta-Lowndes County Zoning Board of Appeals, and the Public Art Advisory Committee. We have run two ads in the Valdosta Daily Times and will be running a third one but we need to have a large pool of applicants.

The 45<sup>th</sup> Red Carpet Anniversary Party will be held Saturday, April 10, 2010 at Ocean Pond and if Council members would like to attend they will need to contact Lu Williams at the Valdosta-Lowndes County Industrial Authority.

The next City Council Meeting will be held on April 22, 2010 at 5:30 p.m. at Saunders Parks on River Street. Semantha Mathews, Public Information Officer, has been coordinating other events for that day as well which will include the Annual Employee Appreciation Luncheon at 12:00 p.m.

Also, the Forrest Street improvement project has been completed and there is a new southbound right turn lane extension at Northside Drive.

## **COUNCIL COMMENTS**

Councilman Yost stated that he was disappointed with the increase in Mediacom rates as well as their customer service. That is one of the major problems that they had to address when the contract that was signed with Mediacom and it is sad when you are a major company and you have to be the player to ask them to improve their customer service. They do not do a very good job with that here in Valdosta.

Councilman Yost also inquired about the annual Mayor/Council trip Washington, D.C. Larry Hanson stated that they were working to finalize that and have been working through Parker Greene to line up visits with the Pentagon officials. The dates of May 16-19, 2010 have been confirmed and they are working to meet with Pentagon officials to discuss present and future missions of Moody Air Force Base and what we can do to better serve our military institution as well as meeting with the Federal Emergency Management Agency (FEMA) regarding the Withlacoochee Wastewater Treatment Plant and any other lingering issues. Larry Hanson stated that they would leave on Sunday afternoon and the meetings would be held on Monday and Tuesday and they would return on Wednesday. Mayor Fretti inquired as to which Council members would like to go on the trip because he wanted to suggest that this year due to the economy they only take two members of Council, himself, and the City Manager. They normally take approximately nine people on this trip. Mayor Fretti suggested that Councilman Carroll and Councilwoman White go because they have never been before and other Council members have been several times. They have two tasks before them and one is to discuss the future mission of Moody Air Force Base and their future strength and Councilman Carroll has had a lot of experience with that. Councilwoman White has a long standing personal relationship with Congressman Sanford Bishop and he will be the key person to help the City of Valdosta with \$30 million in FEMA grants that we are requesting to replace the Withlacoochee Wastewater Treatment Plant. If any other Council members would like to spend some more money and go on the trip then they could consider that. Councilman Yost stated that he appreciated the Mayor's thoughts but he would like to attend the trip in addition to the two other Council members. Mayor Fretti stated that it would cost approximately \$1,500 per person. Councilman Eunice inquired about the amount of money in the Travel Budget. Mayor Fretti stated that did not matter but they need to act like what they have been the last couple of years since we are in a downturn

economy and take a smaller contingency. With Councilman Eunice and Councilman Yost wanting to go that would make it just as big a contingency as in the past and it does not look like the City is trimming their budget any. Councilman Vickers stated that if the other Council members want to go they should go. He could not go because he cannot do a lot of walking. He also goes way back with Congressman Bishop when he was a State Representative and they went to Atlanta to help him get the map approved where he could run. He also thought that it should be left up to the Council member if they want to go after taking into consideration what the Mayor had said. Mayor Fretti inquired as to what Councilman Yost and Councilman Eunice would contribute to the trip and why they wanted to go. Councilman Yost stated that this was something they could discuss another time. Mayor Fretti stated that he wished Councilman Yost had done so before now because if they increase the amount of people going he may stay home and give the responsibilities to someone else to carry. Councilman Yost stated that he was not ever certain about the dates of the trip and that is why he asked and he could not have possibly known anything to talk to the Mayor about before now. Mayor Fretti stated that reservations would need to be made tomorrow and asked which other Council members wanted to attend. Councilman Payton stated that the Mayor made some valid points but like Councilman Yost he needed to give it some thought because it was just sprung on him now. Larry Hanson stated that they would need to make reservations very quickly because they have been waiting trying to arrange the meetings and airfares keep going up. Councilman Payton stated that on previous trips the Mayor and the City Manager are the spokespersons for the group and they go as a team and support each other. As far as all of them speaking to the officials they meet that is primarily the Mayor and City Manager; however, they are capable though.

Councilman Vickers stated that he may not be present at the next City Council Meeting because of some things going on that would prevent him from attending. Mayor Fretti stated that they would be under the amphitheater and in the shade and not in the sun. This outdoor meeting will provide an opportunity for citizens to attend a Council Meeting who have never been to one before and they will see government in action and maybe they will start attending more meetings.

Councilman Wright stated that he would also like to consider attending the Washington, D. C. trip and asked that they let him know about the deadline. Councilman Wright also inquired about the summer job program for youth in the City of Valdosta. Larry Hanson, City Manager, stated that this is a Stimulus-funded program for summer jobs and is 100% paid by the Federal Government. Young people from the ages of 14-18 will work the entire month of June and July and be paid \$7.50 per hour for 30 hours per week. They are paid directly from the Federal government and businesses in our community are eligible to sign up for the program. The City of Valdosta has committed to request at least 20 young people to work this summer. This is a great opportunity for businesses and the youth of our community. Councilman Wright stated that nothing stops a bullet like a job and nothing stops violence like a job and the more that youth that we can employ during the summer the fewer problems we will have. This is very important to our youth and keeping crime down in our City.

Councilman Payton stated that there was a tennis tournament this weekend and there were some inquiries about the status of the McKey Park Tennis Complex. Larry Hanson, City Manager, stated that the wet weather has set the schedule back some and it now on a June timeframe for completion.

## ADJOURNMENT

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

**A MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to adjourn the April 8, 2010 meeting of the Valdosta City Council at 7:20 p.m. and enter into Executive Session.

Councilman Carroll left the meeting at 7:20 p.m.

Mayor Fretti reconvened the regular City Council meeting at 8:05 p.m. and stated that there was discussion of real estate in the Executive Session and no action was taken.

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the April 8, 2010 meeting of the Valdosta City Council at 8:06 p.m. to meet again in regular session on Thursday, April 22, 2010.

---

City Clerk, City of Valdosta

---

Mayor, City of Valdosta