

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, APRIL 9, 2009  
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, Jr., Willie Head, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Dr. John Manning, St. Mark Missionary Baptist Church, followed by the Pledge of Allegiance.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE APRIL, 2009 EMPLOYEE OF THE MONTH AWARD**

Mayor Fretti entertained a motion for the April, 2009 Employee of the Month Award.

A **MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the April, 2009 Employee of the Month Award.

Mayor Fretti presented the April, 2009 Employee of the Month Award to James Pratt (Public Works Department).

James Pratt began his employment with the City of Valdosta in June, 2003 as a Groundskeeper in the Parks and Recreation Department. In October, 2004, Mr. Pratt transferred to the Public Works Department where he accepted a position of Refuse Collection Driver which is the position he currently holds. In this position, Mr. Pratt drives a truck while supervising and participating in the collection of refuse at residences along a predetermined route. He is also responsible for making sure his truck is cleaned and serviced on a daily basis to keep it in proper operating condition. Because Public Works employees are out in public and traveling the roads constantly throughout the day, they are reminded to be aware of their surroundings at all times. Additionally, as required by the Department of Homeland Security, employees have received training in the Highway Watch Program which teaches City employees to be vigilant while on duty and report any suspicious activity. On February 12, 2009, this training paid off. While running his route, James noticed smoke coming from a residence. He stopped his truck and climbed a fence which was overgrown with tall shrubbery to find the home becoming engulfed in flames. Acting quickly, James broke out the windows in the back of the house and rescued the owner. If not for the quick action of James, this citizen would have perished from smoke inhalation or possibly the fire itself. The renowned American author James Thurber once wrote, "Let us not look back in anger or forward in fear, but around in awareness." Thanks to the awareness of James Pratt on that fateful day, a life was saved. For these reasons and many others, the City of Valdosta recognized James Pratt as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the March 19, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

**CITIZENS TO BE HEARD**

Dave Kirk, President of the American Institute of Architects in Southwest Georgia, 5158 Staten Road, stated that five of their members have received training from the Georgia Emergency Management in damage assessment of homes and structures and they would be glad to provide any assistance to the families whose homes were flooded.

Gary Minchew, 908 Moss Way, stated that adoption of the Enterprise Zones would be good for the entire community. They are still working at the point in the James Road development and with the Big Fish on three sites. At the Tuscaloosa site they have tax exempt bond financing from the Tuscaloosa Ports Authority and they are working with the Ocala Airport Development Authority which has a wide range. With the current economic conditions, the only way someone can borrow money for a shopping center is through bond financing. The Big Fish people have had three other projects that have been approved and the developer was unable to come up with the money because he was relying on conventional sources. Mr. Minchew asked Council's consideration in approving the Enterprise Zones which will benefit the entire community.

George Boston Rhynes, 5004 Oak Drive, stated that he was concerned about the process for the appointment to the Industrial Authority. A Council member stressed the importance of open government and eliminating unnecessary friction at the Council meeting and maintaining a professional atmosphere. The eight applicants were possibly not given equal consideration for the position. Some of the items that took place did not reach the general public through the news media. Mr. Rhynes inquired as to whether all of the applicants received a fair and equal chance for appointment to the Industrial Authority, whether documents should come before the City government for action without a valid signature, and what Council would do to ensure that this will not happen again. Mr. Rhynes stated that as he watched and listened to the process he was reminded of a quote from Frederick Douglass which states that the way you get power over other people is to keep them ignorant. Mr. Rhynes asked for Council's consideration in getting the Council meetings on television so that the citizens and voters can see how their interests are represented in order for them to be able to make better intelligent decisions on issues that concern them. Mr. Rhynes stated that if the citizens of Valdosta and Lowndes County do not stand up and let their voices be known then our form of government will cease to function.

Tony Daniels, 509 Greet Street, stated that there should be term limits for the Boards and Commissions because there are many citizens who would like to serve. Mr. Daniels asked for Council's consideration in setting two term limits.

Dan Deaver, 2519 Rolling Road, stated that he attended the Transportation Planning meetings which were held last fall and inquired as to the status of the Transportation Plan. One of the first projects to be initiated was to upgrade Jerry Jones and add sidewalks and bike lanes but nothing has been done to date. Mayor Fretti asked Mr. Deaver to contact the City Manager for an update.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2009-11, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ACCOMMODATE A PERSONAL CARE HOME**

Consideration of an ordinance for a Conditional Use Permit to accommodate a personal care home as requested by Lawanda Mobley (File No. CU-2009-02). The property is located at 201 East Adair Street. The Planning Commission reviewed this request at their March regular meeting and recommended approval with a condition that the parking be reduced from nine spaces shown on the site plan to the required five spaces (5-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Conditional Use Permit to accommodate a personal care home in an R-P district. The parcel consists of 0.21 acres and is located at 201 East Adair Street in the southeast corner of East Adair Street and Slater Street within the Valdosta Local Historic District. The applicant intends to use the existing house for the personal care home to accommodate seven residents; however, for more than six residents, the parcel would need to be at least one acre in size. Due to the fact the parcel is less than one acre, no more than six residents would be allowed. Ms. Mobley was agreeable to having six residents. Additional traffic would be minimal since the residents will not have their own vehicles. Personal care homes are required to maintain a residential appearance compatible with the neighborhood and any exterior alterations must be approved since the parcel is located within the Historic District. The site plan depicts additional parking spaces in the back and Staff has asked that not all of the spaces be constructed since they are not necessary. In order to ensure this the Planning Commission made it a condition on their recommendation. Based on the fact that the proposed use meets the Conditional Use Permit Criteria, it is consistent with the

surrounding zoning and land uses, and it is consistent with the Comprehensive Plan, Staff recommended approval of a Conditional Use Permit for a personal care home. The Planning Commission reviewed this request at their March 30, 2009 regular meeting and recommended approval of the request with a 5-0 vote with one condition that the parking be reduced from the nine spaces shown on the site plan to the required five spaces.

Monica Williams, 118 East North Street, spoke in favor of the request. Ms. Williams stated that she and the applicant own a personal care home adjacent to the property which they opened two years ago to provide care for the elderly or individuals who need assistance 24 hours a day, 7 days a week.

No one spoke in opposition to the request.

**A MOTION** by Councilman Head, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Ordinance No. 2009-11, an Ordinance for a Conditional Use Permit to accommodate a personal care home with the stated condition that the parking be reduced from the nine spaces shown on the site plan to the required five spaces as requested by Lawanda Mobley, the complete text of which will be found in Ordinance Book XI.

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

Consideration of an ordinance to rezone 3.94 acres from CON and R-21 (County) to R-15 (City) as requested by George Eager (File No. VA-2009-08). The property is located south of Rolling Road's intersection with Ravenwood Circle. The Planning Commission reviewed this request at their March regular meeting and recommended tabling the request until the April regular meeting in order to allow additional time for the applicant to identify the boundaries of the wetland, gather information from the Army Corps of Engineers regarding whether the wetlands are potentially buildable or not, and to ascertain the quality of the fill materials used (3-2 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant has requested that the rezoning be postponed until next month. The request would go back before the Planning Commission to address their concerns and as well as those of the residents.

**A MOTION** by Councilman Vickers, seconded by Councilman Wright, was unanimously adopted (7-0) to postpone the request to rezone 3.94 acres from CON and R-21 (County) to R-15 (City) as requested by George Eager until the first Council meeting in May.

**AN ORDINANCE TO EXTEND THE CITY LIMITS POSTPONED**

Consideration of an ordinance to annex 3.94 acres as requested by George Eager (File No. VA-2009-08). The property is located south of Rolling Road's intersection with Ravenwood Circle. The Planning Commission reviewed this request at their March regular meeting and recommended tabling the request until the April regular meeting in order to allow additional time for the applicant to identify the boundaries of the wetlands, gather information from the Army Corps of Engineers regarding whether the wetlands are potentially buildable or not, and to ascertain the quality of the fill materials used (3-2 vote).

Mayor Fretti stated that this is related to the previous rezoning request and asked for a motion to postpone.

**A MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to postpone the request to annex 3.94 acres as requested by George Eager until the first Council meeting in May.

**AN ORDINANCE FOR A TEXT AMENDMENTS TO THE VALDOSTA LAND DEVELOPMENT  
REGULATIONS ORDINANCE POSTPONED**

Consideration of an ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 202-6, Relationship to Comprehensive Plan, Chapter 218-1, Use Regulations, and Chapter 218, Article 3, Supplemental Standards as requested by the City of Valdosta (File No. VA-2009-09). The purpose of the Text

**AN ORDINANCE FOR A TEXT AMENDMENTS  
TO THE VALDOSTA LAND DEVELOPMENT  
REGULATIONS ORDINANCE POSTPONED (CON'T)**

**04/09/09 CONTINUED**

Amendments are to revise the Comprehensive Plan Consistency Chart and add Highway-Commercial and Adult-Commercial zoning districts as permitted districts within the Industrial Activity Center Character Area, to revise the zoning districts in which some uses are permitted by right, by conditional use, by accessory use, and/or by administrative permit, and to enhance and clarify the Supplemental Regulations for specific uses within the land use table. The Planning Commission reviewed this request at their March regular meeting and recommended approval (5-0 vote).

Mayor Fretti stated that Council had previously considered postponement of this request at the Work Session on Tuesday for further discovery.

**A MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to postpone the request for Text Amendments to the Land Development Regulations (LDR) for Chapter 202-6, Relationship to Comprehensive Plan, Chapter 218-1, Use Regulations, and Chapter 218, Article 3, Supplemental Standards as requested by the City of Valdosta until the first Council meeting in May.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 2009-12, AN ORDINANCE TO PARTICIPATE IN THE GEORGIA MUNICIPAL ASSOCIATION TRUST ACCOUNT FOR ACTUARIAL SERVICES FOR OTHER POST EMPLOYMENT BENEFITS (OPEB) REQUIREMENTS**

Consideration of an Ordinance to participate in the Georgia Municipal Association Trust Account for actuarial services for Other Post Employment Benefits (OPEB) requirements.

Mark Barber, Deputy City Manager of Administration, stated that this Ordinance will authorize the City to open a Trust Account with the Georgia Municipal Association to be used to fund future retiree health benefits. This year the City is required to recognize some type of cost for those future benefits. There will be no contributions made to the Trust at this time until we get the actuarial study. Mark Barber recommended that Council approve the request to participate in the Georgia Municipal Association Trust Account for actuarial services for Other Post Employment Benefits (OPEB) requirements.

**A MOTION** by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (7-0) to enact Ordinance No. 2009-12, an Ordinance to participate in the Georgia Municipal Association Trust Account for actuarial services for Other Post Employment Benefits (OPEB) requirements, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2009-13, AN ORDINANCE TO DESIGNATE VALDOSTA ENTERPRISE ZONES**

Consideration of an Ordinance to designate Valdosta Enterprise Zones. Mayor/Council postponed the request at the March 5, 2009 regular meeting until the April 7, 2009 regular meeting.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that as part of the implementation of the Urban Redevelopment Plan, the Mayor and City Council have requested the establishment of Enterprise Zones in eligible areas of the City. Each of these Zones suffers from Pervasive Poverty, General Distress, Underdevelopment, and General Blight according to the U.S. Census Data. Comprehensive windshield surveys were completed over the past year to verify the existence of these conditions. Designation of these Zones will allow the City to offer a series of incentives to qualifying businesses locating within the Zones. Incentives will be offered on a case-by-case basis and are authorized through the Enterprise Zone Employment Act. Applicants would be required to submit an application to the Urban Redevelopment Agency and incentives would be based on several factors including average hourly wage, number of jobs created, business type, capital investment, and business location. Each of the areas located within the proposed Enterprise Zones are either within an area with at least 15% poverty or adjacent to one of those areas which is permitted by the Enterprise Zone Employment Act of

1997. These areas meet at least three of the five criteria for designation which could be Pervasive Poverty, General Blight, General Distress, or Underdevelopment. The abatements and incentives will only be offered after the business meets the requirements that are within the Ordinance which means going through the application process and having the application approved by Council. No property owners or businesses will receive any type of incentives until the capital investment is made and full time jobs are created. If those conditions are not met, there is a provision that would require rebate of any incentives already paid and further provision of incentives would be stopped. The bonus points for the score sheet gives the priority to the designated revitalization area so that it is automatically bumped up into the next category of incentives.

**A MOTION** was made by Councilman Eunice to follow the recommendation of the Planning and Zoning Administrator and adopt the Ordinance to designate the Valdosta Enterprise Zones as presented. Councilman Wright seconded the motion. Councilman Head stated that he drove through all of the areas and in Area 1, which is the Designated Revitalization Area, Pervasive Poverty, General Distress, General Blight, and Underdevelopment has persisted in this area for some time; however, while there were some signs of underdevelopment in the James Road area, the Bemiss/Ashley triangle, and Inner Perimeter Road, he could not see the poverty, distress, or blight in these areas. There have been indications that these areas are being included because of what is coming as Mr. Minchew discussed earlier about the economic development that is taking place. There is no doubt what is going to happen if you begin to offer incentives. These areas outside of the original Designated Revitalization Area do not meet at least three of the five criteria. Councilman Head stated that his objection is based on principal and he would be mindful and watchful of what takes places. He was for economic development and growth but he would be voting against this because those areas do not meet three of the five criteria. When Councilman Wright introduced this measure several years ago his idea was for the Designated Revitalization Area and not new areas that could one day be developed. In the future, they need to make sure that they stick to the criteria and ensure that everything is a good fit. Councilman Wright stated that he had the utmost respect for Councilman Head and his opinion and he was right in that two years ago this was a way to revitalize some of the economically stressed neighborhoods. His initial concern was that the focus would be removed from the areas that they were trying to revitalize; however, in working with Staff, the focus can be maintained and with the Mayor and Council as the commission that oversees this they can make sure that the focus goes where they want it to go. The primary purpose of the Enterprise Zone Act was to create jobs and if a job exists on James Road that a low to moderate income person could get then he would rather have that job opportunity there than none at all. A stipulation could be placed in the by-laws of the commission that maybe 5% of the new jobs would go to low to moderate income people to help accomplish the goals. Councilman Wright stated that this will be good for the City of Valdosta and they should move forward with it. Councilman Yost stated that this plan will benefit all of the citizens of Valdosta and the County and he would vote in favor of the request. This will help promote the City and bring businesses to all parts of the City in the designated areas. For those who are voting against the request, he understood what they were saying but was not sure where they were coming from unless they were scared that this would take away from the main Designated Area in the south portion of the City. Councilman Yost stated that he would not want the Big Fish coming into his neighborhood and that is why the James Road, Perimeter Road, and the Mall area all play a big part in what is going to happen. He was disappointed that it sounded like in some people's view they were cheating, lying, or skirting the rules and regulations if this passed. They are doing the right thing and this will benefit everybody and not just one segment of the population. Councilman Head stated that as he made his comments he stated his position and what he believed and he has not said what anybody on Council thinks or what their position is. He truly believes that each of those areas do not meet three of the five criteria and he has not accused anyone of anything. He drove through these areas and he did not see those areas outside of the Designated Revitalization Area meeting three of the five criteria. Councilman Yost stated that he felt Councilman Head was wrong and believed that they did meet the criteria and that they are heading in the right direction. Councilman Yost urged Council to vote in favor of the request. Councilman Vickers stated that he had some problems with James Road and Norman Drive but he told Councilman Wright that he would follow his lead and he would vote reluctantly in favor of the request. Councilman Wright stated that he had concerns as well but when you look at the areas and the possible development opportunities and with the Transportation Plan in place, those people could get to work. With Mayor and Council preparing the by-laws for this they could ensure that the people and areas they are trying to help would get the help. If this could benefit the entire City, he was in favor of it. The motion to enact Ordinance No. 2009-13 was adopted (6-1) with Councilman Head voting in opposition, the complete text of which will be found in Ordinance Book XI.

**RESOLUTION NO. 2009-5, A RESOLUTION TO CREATE THE VALDOSTA ECONOMIC DEVELOPMENT COMMISSION**

Consideration of a Resolution to create the Valdosta Economic Development Commission. Mayor/Council postponed the request at the March 5, 2009 regular meeting until the April 7, 2009 regular meeting.

Anne-Marie Wolff, Planning and Zoning Administrator, stated this Resolution would create the Valdosta Economic Development Commission which would be responsible for carrying out urban redevelopment project powers and reviewing incentive applications from businesses within the Enterprise and Opportunity Zones. This action will also cause by-laws to be prepared for the Valdosta Economic Development Commission. The Mayor and Council will serve as this agency. The Economic Development Division will serve as the staff liaison for this newly created agency. Councilman Wright inquired as to whether the Council would establish the by-laws and make decisions on which businesses get the incentives. Anne-Marie Wolff stated that was correct. There will be an application and Ruby Riesinger, Economic Development Coordinator, will bring the applications to Mayor and Council for final approval.

**A MOTION** was made by Councilman Wright to adopt a Resolution creating the Valdosta Economic Development Commission with Council serving as the Commission. The motion was seconded by Councilman Eunice. Councilman Eunice stated that this was originally initiated by Councilman Wright and this will do a lot of good for the City of Valdosta. Councilman Eunice thanked Councilman Wright and Staff for all their hard work in bringing this to fruition. Councilman Carroll stated that this takes care of Item 7 on the Mayor/Council goals for this year. The motion was unanimously adopted (7-0) to enact Resolution No. 2009-5, the complete text of which will be found in Resolution Book IV.

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

Consideration of bids for 13 Sensus large water meters for the Water/Sewer Department (Bid No. 35-08-09).

Henry Hicks, Utilities Director, stated that the Water and Sewer Department needs to replace 13 large meters that are currently in use throughout the City. The existing meters provide inaccurate readings due to age and need to be replaced. These new meters are "touch read" like the smaller Sensus residential meters approved by Council in October, 2007 and utilize the same software. Funds are available for a purchase of this nature. Sealed bids were received on March 31, 2009 with the only bid submitted by HD Supply in the amount of \$45,790. HD Supply is the authorized distributor for the Sensus brand in our area although we did submit bids from other Sensus dealers, advertised in the paper, and posted the bid on the City's website. Henry Hicks recommended that Council approve the bid submitted by HD Supply in the amount of \$45,790 and allow the Water/Sewer Department to proceed with the purchase.

**A MOTION** by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the bid submitted by HD Supply in the amount of \$45,790 and allow the Water/Sewer Department to proceed with the purchase of 13 Sensus large water meters.

Consideration of bids for new fire hose for the Fire Department (Bid No. 25-08-09).

Mark Barber, Deputy City Manager of Administration, stated that the Fire Department is in need of some new fire hose which will replace older hose that is no longer usable by the Department. Funds are budgeted each year for a purchase of this nature. Sealed bids were received on April 7, 2009 with the low bid meeting specification submitted by Vitco Fire and Safety in the amount of \$8,090. Mark Barber recommended that Council approve the low bid meeting specification submitted by Vitco Fire and Safety in the amount of \$8,090 and allow the Fire Department to proceed with the purchase.

**A MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to accept the low bid meeting specifications of Vitco Fire and Safety in the amount of \$8,090 and allow the Fire Department to proceed with the purchase of new fire hose.

Consideration of bids for the Wood Valley Community Center restroom and pavilion.

Von Shipman, City Engineer, stated that the Wood Valley Community Center is almost completed with the exception of a new pavilion and restroom facility. A pavilion with restrooms is needed to serve the center. IPG Architects and Eric Hahn, Director of Parks and Recreation, worked to develop two bid alternatives. The first was a prefabricated facility and second was a design build facility. Bids were received on March 24, 2009 with the low bid submitted by Southland Contractors in the amount of \$84,875. Von Shipman recommended that Council approve the low bid submitted by Southland Contractors in the amount of \$84,875 plus a 10% contingency to handle any unforeseen circumstances.

**A MOTION** by Councilman Yost, seconded by Councilman Eunice, was unanimously adopted (7-0) to accept the low bid of low bid submitted by Southland Contractors in the amount of \$84,875 plus a 10% contingency to handle any unforeseen circumstances for the Wood Valley Community Center restroom and pavilion.

Consideration of a request to approve a Change Order for additional work at Huntley Drive (Highlands Subdivision).

Von Shipman, City Engineer, stated that a portion of Huntley Drive which is located off Bemiss Road at the Highlands Subdivision was approved to be reconstructed in 2008 by the City Council in the amount of \$36,806 plus a 10% contingency. Unfortunately the quantity listed in the proposal included only one side of the road and both sides needed to be replaced. In addition, a sub-drain pipe had to be installed due to the tremendous amount of groundwater that was discovered in the area to be replaced. The error was not discovered until after the work was completed in the fall. An additional \$38,476.40 is required to settle the contract. Von Shipman recommended that Council approve the extra work in the amount of \$38,476.40.

**A MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) approve a Change Order in the amount of \$38,476.40 for additional work at Huntley Drive (Highlands Subdivision).

## **LOCAL FUNDING AND REQUESTS**

Consideration of a request for additional funds to close out the project for North Valdosta Road at Country Club Road improvements.

Von Shipman, City Engineer, stated that Council approved the construction of an outbound right drop lane with a concrete island along with an alternate bid to construct an inbound left drop lane at the intersection of North Valdosta Road and Country Club Road intersection near the Links Apartment Complex in January, 2009 at a cost of \$98,374.00 plus a 10% contingency. During construction several issues had to be dealt with. The required sub-grade material in the outbound right turn lane had to be cut out deeper than expected due to the poor nature of the material which added an expense of approximately \$6,000. Also, after consulting with the Georgia Department of Transportation, the size of the turn lane was increased due to safety concerns which was approximately \$6,500. The section of Country Club Road from North Valdosta Road to Trotters Way was resurfaced at the request of the City Engineer at a cost of \$8,000. Finally, additional striping in the amount of \$3,000 was needed. The final cost was \$117,266 and the amount needed to close out the project is \$18,892. Von Shipman recommended that Council approve the request for additional funds in the amount of \$18,892 to close out the project for North Valdosta Road at Country Club Road improvements.

**A MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve a Change Order in the amount of \$18, 892 to close out the project for North Valdosta Road at Country Club Road improvements.

**RESOLUTION NO. 2009-6, A RESOLUTION TO AUTHORIZE THE FILING AND ADMINISTRATION OF THE GRANT REQUEST FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Consideration of a request for approval of Projected Use Funds for the FY 2009 Community Development Block Grant (CDBG) Entitlement Funds and Resolution to authorize the filing and administration of the grant request from the U. S. Department of Housing and Urban Development.

Mara Register, Assistant to the City Manager, stated that according to Charles Booth, CPD Representative with the U. S. Department of Housing and Urban Development, CDBG funds must be expended in those areas that have a concentration of 51% low to moderate income. The identified Census tracts in the annual Action Plan have that concentration. The City of Valdosta has never been under an emergency or urgent need provision before and the qualifier is that it must be in an area of 51% low to moderate income and that is where the 70% benefit is required. Also, in order to use CDBG funds for emergency situations, it is considered funding of last resort. Councilman Head inquired as to whether the local emergency response procedures had any provisions that address dealing with housing to support people who have been displaced by either natural or manmade disasters. Larry Hanson, City Manager, stated that he did not recall that being in the plan. Mayor Fretti stated that the Emergency Plan deals primarily with sheltering displaced citizens. Councilman Wright stated that some landlords will not take that type of short term pay because of all the paperwork involved. The City also has four housing units with the Valdosta Housing Authority for temporary relocation and this could be a way to provide temporary housing for citizens who are displaced due to disasters.

Mara Register stated that the balance CDBG funds from previous years is approximately \$787,755 and of that \$687,761 is committed to projects that are already in process. Those projects include two rehabilitation projects and nine reconstruction projects where the applicants and homeowners have been qualified. Out of the balance left, which is approximately \$99,000, there is \$75,000 committed to the Martin Luther King, Jr. Corridor project for relocation expenses and infrastructure. The City is required by the U. S. Department of Housing and Urban Development (HUD) to file an Annual Action Plan outlining the proposed use of CDBG funds. The total funds available for FY 2009 are \$586,864. HUD has advised the City to go with that number right now because they have not been given their final number from Congress. They are proposing the following programs and activities: (1) Housing - \$369,492 – (a) First -Time Homebuyer Education - Funds will be used for the operating costs involved with conducting homebuyer education programs for low to moderate income homebuyers. The National objective is to benefit low and moderate income persons (\$10,000), (b) Single Unit Residential Rehabilitation - Funds will be used to offer owner-occupied housing rehabilitation through direct loans and grants to low and moderate income homeowners for the rehabilitation of single-family residential structures. An emergency home repair program, minor repair program, major repair program, and demolition and lead paint abatement will be conducted by City Staff. The National objective is to benefit low and moderate income persons (\$359,492). (2) Clearance and Demolition - \$ 100,000 - Funds will be used for the acquisition and/or clearance of vacant lots and dilapidated buildings. National objective is the prevention or elimination of slum and blight. (3) Program Administration - \$ 117,372 - Funds will be used to pay portions or entire salaries, benefits, and administrative costs of Community Development and Finance Department Staff in oversight, management, monitoring, and coordination of CDBG program. Mara Register recommended that Council approve the Projected Use Funds for the FY 2009 Community Development Block Grant (CDBG) Entitlement Funds and Resolution to authorize the filing and administration of the grant request from the U. S. Department of Housing and Urban Development.

**A MOTION** by Councilman Head, seconded by Councilman Eunice, was unanimously adopted (7-0) to approve the Projected Use Funds for the FY 2009 Community Development Block Grant (CDBG) Entitlement Funds, to authorize Staff to direct their attentions to the temporary and transitional housing needs in the next year and in the 2010 CDBG budget they can address the Annual Action Plan to be concentrated in those efforts as well as the previous efforts, and enact Resolution No. 2009-6, a Resolution authorizing the filing and administration of the 2009 CDBG Grant Request, the complete text of which will be found in Resolution Book IV.



**RESOLUTION NO. 2009-7, A RESOLUTION TO AUTHORIZE THE FILING AND ADMINISTRATION OF THE GRANT REQUEST FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Consideration of a request to apply for grant funds for the Recovery Act FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program (Local Solicitation).

Police Chief Frank Simons stated that the City has received funding under the Edward Byrne Justice Assistance Grant (JAG) Program in 2005, 2006, 2007, and 2008. Since a disparate situation exists between the City of Valdosta and Lowndes County, the grants were joint projects where both law enforcement agencies teamed together to request Federal grant funds to improve law enforcement services in the City of Valdosta and the Lowndes County area. In 2005 and 2006, the funding was awarded as a lump sum amount which the City and County agreed to split to help fund each entity's grant program purposes that fell into one of following six areas: (1) law enforcement programs, (2) prosecution and court programs, (3) prevention and education programs, (4) corrections and community corrections programs, (5) drug treatment programs, and (6) planning, evaluation, and technology improvement programs. In 2007, the City and the County were each awarded allocations for use in one of the six program purpose areas. The 2005 grant is complete and the 2006 and 2007 grants are nearing completion. In 2008, the County elected not to ask for any of the City's allocation since the funding level was only \$12,932. For the 2009 grant program, a seventh purpose area has been added for crime victim and witness programs (other than compensation). The JAG Allocation determined for the City is \$169,085 and the allocation for the County is \$52,100. Since a disparate situation exists with Lowndes County, an agreement must be reached on the allocation of funding between the entities. The Lowndes County Sheriff's Office has been approached about combining their funding allocation along with the City's allocation to purchase equipment for the joint Crime Lab. A Memorandum of Understanding will be executed with the County stating that they have jointly agreed to this combination of funding for the purchase of crime lab equipment. The City would file the application for the entire award amount of \$221,185 to fulfill one of the seven grant program purpose programs. The City/County has selected law enforcement programs as their purpose area for the grant. No match is required for the grant. Chief Simons recommended that Council approve the request to apply for grant funds.

**A MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Resolution No. 2009-7, a Resolution to apply for grant funds for the Recovery Act FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program (Local Solicitation) and authorize the filing of the application, the complete text of which will be found in Resolution Book IV.

**RESOLUTION NO. 2009-8, A RESOLUTION TO AUTHORIZE THE FILING AND ADMINISTRATION OF THE GRANT REQUEST FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Consideration of a request to apply for grant funds for the Community Oriented Policing Services (COPS) FY 2009 Hiring Recovery Program (CHRP) from the U. S. Department of Justice.

Police Chief Frank Simons stated that the Community Oriented Policing Services (COPS) provides funding to state, local, and tribal law enforcement agencies and other public and private entities to hire and train community policing professionals, acquire and deploy cutting-edge crime-fighting techniques, and develop and test innovative policing strategies. The COPS Hiring Recovery Program (CHRP) is funded through the American Recovery and Reinvestment Act (Recovery Act) of 2009 and provides funding directly to law enforcement agencies to hire and/or rehire career Law Enforcement Officers in an effort to create and preserve jobs and to increase their community policing capacity and crime prevention efforts. For the 2009 grant program, the City proposes to hire ten additional Officers at entry level salaries for a three-year period. The approximate total amount of this grant is \$1,507,753. There is no local match or cap on the amount of funding that can be requested, but CHRP grant funding will be based on the City's current entry-level salary and fringe benefits for full-time sworn officers. Any additional costs for higher than entry level salaries and fringe benefits are the responsibility of the grantee agency. The City of Valdosta will be required to retain all CHRP funded positions for 12 months after the 36 months of Federal funding

has ended for each position. The requested grant funds are \$904,382. Chief Simons recommended that Council approve the request to apply for grant funds and have the Mayor sign a Resolution authorizing the filing of the application.

A **MOTION** was made by Councilman Vickers to approve the request to apply for grant funds Community Oriented Policing Services (COPS) FY 2009 Hiring Recovery Program (CHRP) from the U. S. Department of Justice and sign a Resolution authorizing the filing of the application. Councilman Head seconded the motion. Councilman Yost inquired as to when Chief Simons would be notified about receiving the grant funds or not. Chief Simons stated that he was not sure about the time frame but the funds will be allocated quickly because it is part of the Recovery Act. The motion was unanimously adopted (7-0) to enact Resolution No. 2009-8, the complete text of which will be found in Resolution Book IV.

Consideration of a request to suspend normal purchasing policies for purchase of equipment, goods, supplies and services for necessary repairs and replacement related to storm and flood damage.

Mark Barber, Deputy City Manager of Administration, stated that City of Valdosta ordinances require purchases in excess of \$10,000 to be competitively bid; however, due to the damage caused by the recent flooding, Coleman Talley, LLP has reviewed State Code and determined that the City of Valdosta may operate in an emergency exception status as it relates to purchases necessary to protect public health and safety. Given this legal determination, the following process will be utilized during this time of emergency exception: (1) Quotes will be required from vendors for repairs, equipment replacement, or contractual services. A minimum of three quotes is required, if practical. (2) Quotes may be obtained by appropriate water/sewer personnel or centralized through the Purchasing Department. (3) Quotes must be written (no phone quotes) and can be delivered through E-mail, fax or other means necessary to expedite the quotation process. (4) All quotes for each repair or replacement will be recorded on an Emergency Authorization Form. (5) The Emergency Authorization form will be reviewed and approved (via signature) by the Department Head, Deputy City Manager of Operations, Deputy City Manager of Administration, and City Manager. (6) The Purchasing Department will maintain a documentation file for all repairs and replacement expenditures. A single account number has been created to record these expenditures, regardless of the nature of the expenditure. Mark Barber asked Council's consideration in temporarily suspending the purchasing protocol specifically as it relates to single purchases over \$10,000 instead of going to the competitive bid process and waiting for Council's approval to make those repairs or replacement of equipment. Tim Tanner, Attorney with Coleman Talley, LLP, stated that there was no prohibition against the City doing this for purchases and the only prohibition found in general law would be with letting of contracts over \$100,000. The purchasing protocol is controlled generally by local law so there is no prohibition; however, if there is a motion made the emergency situation should be described so that it can adequately be reflected in the minutes. Also, there would need to be some type of cap on the timeframe for the suspension of the local ordinance as well as a cap on the amount that can be spent. Mark Barber stated that the timeframe would be 90 days. Tim Tanner stated that the cap does not necessarily have to be stated in the motion if Council so chooses; however, something would need to be in the motion to the effect that all purchases will be reported to the City Council as soon as practically possible. Councilman Yost inquired as to where the money would come from in the current Budget, what percentage would FEMA reimburse the City once the declaration is made, and whether everything that the City is purchasing equipment that will benefit us for future use. Larry Hanson, City Manager, stated that the Withlacoochee Wastewater Treatment Plant is approximately 30 years and it has certain parts that will have to be replaced but every effort will be made to purchase something that can be used in the future. The Environmental Protection Division will give the City some time but they will expect us to get the Plant up and operational very quickly. Henry Hicks, Utilities Director, is already looking at purchasing the same type of equipment that we are currently using at the Plant for efficiency. Mark Barber stated that they are currently accumulating all of the expenses under one account number in the Water/Sewer Fund. They will then be distributed to the appropriate fund after 90 days. Larry Hanson stated that everything we are aware of is eligible for reimbursement from FEMA and we have reason to believe that these expenses will be reimbursed at 100%. Mark Barber stated that there are cash reserves to make these purchases with as well. Councilman Head inquired as to whether the list was complete. Larry Hanson stated that the current list is not complete because they are finding additional items that will need to be purchased as they go through the damage assessment. Henry Hicks, Utilities Director, stated that the equipment that is on the agenda tonight for approval can be used in the new Wastewater Treatment Plant. Mayor Fretti asked Council to consider a

cap since they are currently at approximately \$240,000 for the purchase of two items. There were four items that were directly affected by the flooding. Henry Hicks stated that as of today, they were at \$616,000 and that is without knowing if the belt press would work and they still have not assessed everything yet. Councilman Head inquired as to whether \$1 million would be a good cap. Tim Tanner stated that a cap is not required and was just a suggestion and he was thinking along the terms for a single piece of equipment cap. The cap is only for a safe guard. Henry Hicks stated that the largest single equipment cost would be \$2.1 million for chlorination and de-chlorination equipment. Larry Hanson stated that FEMA has the City's list of equipment and they have indicated that the City could proceed. Councilman Yost stated that he would like for the cap to be higher for single purchases up to \$250,000. Larry Hanson stated that \$250,000 for a single purchase and a cap of \$1 million total would be fine because these items would be brought back to Council on a monthly basis to show what has been purchased. Councilman Carroll stated that Tim Tanner also recommended that all purchases be would be ratified by Council at its earliest convenience and inquired as to whether this should be noted in the motion. Larry Hanson stated that was correct. Councilman Yost stated that he was not against the \$1 million cap but they are currently at \$616,000 and if permission is granted for one piece of equipment for up to \$250,000 then you are almost at the \$1 million cap. Councilman Head stated that if it needed to be increased they could do that. Also, just as the City had a press release in the newspaper about the flood, it would be good to keep the public aware of what the City is doing as they approve the list of things and not rely on the newspaper to do that. The City needs to let the public know what is being done to bring the Plant back up to speed because they do not have a clue.

**A MOTION** was made by Councilman Eunice that due to the emergency situation as relayed by Mark Barber, Deputy City Manager of Administration, and Larry Hanson, City Manager, the City suspend the normal purchasing protocol that is contained in Section 2-5001 through 5004 of the Valdosta City Ordinance for a period of 90 days as it relates to the purchases of equipment goods, supplies, and services for necessary repairs and replacement related to storm and flood damage. Additionally, all purchases that would normally be prohibited under those sections would be approved through the signatures of Henry Hicks, Utilities Director, John Whitehead, III, Deputy City Manager of Operations, Mark Barber, Deputy City Manager of Administration, and Larry Hanson, City Manager, prior to the purchase of said equipment goods, supplies, and/or services. There will be an individual purchase cap of \$250,000 on an individual piece of equipment, and the total cap would be \$2 million. The totals in an update of these purchases would be brought to Council on a monthly basis at a minimum. Councilman Head seconded the motion. Mayor Fretti stated that the event was due to the rising river water and flood both in the residential neighborhoods and at the City's Withlacoochee Wastewater Treatment Plant. Larry Hanson stated that the majority of this is for wastewater but there will be a few purchases that will not be and asked that Henry Hicks name be changed to Department Head because there may be one in Parks and Recreation or Engineering. Councilman Eunice and Councilman Head were in agreement. Councilman Carroll asked for clarification on the Section and whether in the motion Councilman Eunice stated 2-5002 and not 2-5001. Councilman Eunice stated that he said Section 2-5001 through 2-5004. The motion was unanimously adopted (7-0).

Consideration of approval to purchase equipment for the Withlacoochee Water Pollution Control Plant under emergency conditions.

Larry Hanson, City Manager, stated that Council has been given a list of two immediate needs as well as two estimates for pumps as identified by Henry Hicks, Utilities Director. Larry Hanson asked Council's consideration in authorizing these purchases under these conditions which technically they could do based on the previous action.

**A MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the purchase of equipment for the Withlacoochee Water Pollution Control Plant under emergency conditions.

## **CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that Georgia Cities Week will be held next week and there will be a lot of exciting events. Also, the Great American Cleanup will be held on Saturday, April 18, 2009 and they have added the YMCA as part of the cleanup.

City Engineers have inspected the bridge on Gornto Road and it will reopen tonight at 9:00 p.m. in order to give the residents as much time as possible for free movement and easy access but with the Easter weekend approaching it would put a lot of traffic on Baytree Road and some other roads.

The Census Bureau will be seeking jobs in Valdosta for management positions and testing will be held Monday, April 20, 2009 at 10:00 a.m. in the City Hall Annex building.

Larry Hanson, City Manager, stated that in difficult times people really come together and he was proud of the City's work force for their efforts because it was almost a miracle what they did to preserve the Wastewater Treatment Plant. Likewise, the community has rallied and supported those in need. There was support from private contractors who were calling and offering their services, volunteers from Valdosta State University and Moody Air Force Base, as well as support from neighbors, friends, families, and churches. Valdosta should be very proud as a community.

### **COUNCIL COMMENTS**

Councilman Yost thanked the City Staff for all of their efforts during the flood and for the excellent job they did representing the City. The citizens and residents on Park Lane have gone through a lot to get their homes back and thanked everyone for their assistance. Councilman Yost stated that there should be a review process of the emergency management operations and he would like to have a meeting when time permits so that Council can review it. There were some things that worked really well but there were some things that could be improved.

Councilman Carroll stated that there was a tremendous outpouring of support and the nicknames of TitleTown and Team Valdosta were certainly supportive with everyone coming out to offer help. With that in mind, there were some heroes who were individuals and heroes in groups and Councilman Carroll asked that Council develop and create a Citizen Recognition Award and bring back before Council in the very near future. Councilman Carroll stated that a lot of the residents in his district had asked why this happened. The pad answer has been that it was the perfect storm; however, data should be compiled in conjunction with the City of Valdosta, Lowndes County, the State, and the Federal government to understand if there were things that the City could do to prevent this type of flood from happening again. It may come back that nothing could be done and this was truly just a perfect storm; however, Councilman Carroll stated that he would like to be able to let the citizens that he saw Friday, Saturday, Sunday, and Monday standing out in front of their homes with tears in their eyes know that we really honestly did try to figure out what happened and what could be done to ensure that it doesn't happen again.

Councilman Head stated that he would like to have the Council District Tours scheduled for his district and Councilman Wright's district.

Councilman Eunice stated that he felt the Citizen Recognition Award was a great idea because there were a lot of deserving people who dropped what they were doing to help people move out of their homes. He also rode with the Fire Department and other City Staff and he could not be more proud of the group of people from the City who were involved in the disaster and recovery effort. As he went from neighborhood to neighborhood, he heard raves about people at the Fire Department, the Police Department, the Water and Sewer Department, and the Engineering Department. This shows the type of people that we have working for the City and he commended everyone for their efforts. It was truly a team effort.

Mayor Fretti stated that we gained attention quicker than some other communities and GEMA suggested that we not conduct two assessments for GEMA and FEMA and they went around together which was very efficient and effective. Congressman Sanford Bishop came into the community along with some senior staff from the office of Congressman Jack Kingston, Senator Johnny Isakson, and Senator Saxby Chambliss. Also, Senator Tim Golden was instrumental in getting Congressman Bishop here for a tour of the disaster area. Insurance John Oxendine also came here to view the damaged area. The Governor and Lt. Governor are aware of the disaster in our area and hopefully we will be successful in getting the Federal designation.

Councilman Head inquired as to what was being done about the health issues associated with the cleanup of flooded homes. Larry Hanson, City Manager, stated that Dr. Lynne Feldman had reported that people who have been directly involved and exposed to a great deal and who have not had a shot within the past five years would need to have a Tetanus shot. Most of the risks are those things that happen following storms and residents should not go in their flooded homes when it is dark. They should also be cautious of snakes and other animals that might be in their home. Mayor Fretti stated that chlorine and other cleaning products are being recommended for use in the entire house due to stagnation. There has been a lot of flyers and information passed out as to how to clean after a flood. Councilman Head stated that a Press Release would be very informative to the public because sometimes there are people who follow the storms and as the citizens look to get their homes repaired they should make sure the contractors are licensed so that none of them are taken advantage of.

Mayor Fretti stated asked Von Shipman, City Engineer, to provide some information about the flood. Von Shipman stated that there were three areas where the flood waters inundated Valdosta. The water was actually two feet about the 500-year elevation. Larry Hanson stated that within this basin there are 20 square miles of the City that drain in this area but there is over 400 square miles outside of the City that also drain in this area. Von Shipman stated that the normal flow gauge in the Withlacoochee River at McMillan Road is approximately 500 cubic feet per second volume of water that is moving in the Withlacoochee River. During the peak of this flooding event, it was 30,000 cubic feet per second which is astronomical. There will be trash and debris of all magnitude that was picked up and is now settling out somewhere so there will be a big cleanup on the river. Councilman Head inquired as to whether the City or County could have done more to notify the citizens that it was going to get worse. Von Shipman stated that we rely on the National Weather Service and the Corp of Engineers who have models that predict how high the river will be when it crests; however, when you get the amount of rain that we got it blew the model out of the water. No one knew how to predict. Larry Hanson stated that Ashley Tye, Director of Lowndes County Emergency Management, advised him that Lowndes County used the Code Red four times. There was also so much more rain west of us that had taken up all of the capacity for our rivers to discharge into and then there was so much rain north of Valdosta so we became the point where the rainfall above us overwhelmed us and there was nowhere for the water to discharge to so that made it impossible for anyone to predict. Councilman Head inquired as to whether anything needed to be done to the tributaries or to Sugar Creek for the future. Von Shipman stated that there was a revised Master Plan and there are some things that can be done to help but it would not have had a real impact. Unfortunately, the river caused the major flooding because it was seven feet about the 100-year flood plain which is bordering on a 750-year type of occurrence.

#### ADJOURNMENT

A **MOTION** by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (7-0) to adjourn the April 9, 2009 meeting of the Valdosta City Council at 7:47 p.m. to meet again in regular session on Thursday, April 23, 2009.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta