

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, MAY 21, 2009
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Tim Carroll, Alvin Payton, Jr., Willie Head, Jr., John Eunice, Robert Yost, and James Wright. Councilmen Sonny Vickers was absent. Mayor Fretti stated that this was the first paperless meeting of the City Council and they would be using their laptops during the meeting. The invocation was given by Councilman Wright, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

The minutes of the May 7, 2009 Regular Meeting were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

There were no citizens to be heard.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2009-13, A RESOLUTION FOR THE GEORGIA MUNICIPAL ASSOCIATION'S CERTIFIED CITY OF ETHICS

Consideration of a Resolution for the Georgia Municipal Association's (GMA) Certified City of Ethics Recertification.

Mara Register, Assistant to the City Manager, stated that the Georgia Municipal Association's Certified City of Ethics program now requires that cities participating in the program be recertified every four years. The purpose of this requirement is to make sure that the importance of ethical conduct in public service and the requirements of the City's Ethics Ordinance are brought to the attention of newly elected officials and regularly reinforced for incumbent officials. The five primary criteria in the original Ordinance are: (1) Serve others not ourselves, (2) Use resources with efficiency and economy, (3) Treat all people fairly, (4) Use the power of our positions for the well being of our constituents, and (5) Create an environment of honesty, openness, and integrity. The City of Valdosta is required to submit the proposed resolution and any amendments to the City's Code of Ethics by June, 2009 to GMA. Mara Register recommended that Council approve the Resolution.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Resolution No. 2009-13, a Resolution for the Georgia Municipal Association's (GMA) Certified City of Ethics Recertification, the complete text of which will be found in Resolution Book IV.

RESOLUTION NO. 2009-14, A RESOLUTION TO APPROVE A CONTRACT WITH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FOR A HISTORIC PRESERVATION FUND GRANT AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

Consideration of a Resolution to approve a contract with the Georgia Department of Natural Resources for a Historic Preservation Fund Grant and authorize the Mayor to execute the contract.

Emily Foster, Historic Preservation Planner, stated that in January, 2009 Council approved Staff's request to apply for a Historic Preservation Fund Grant in order to design and produce an interactive web site for Sunset Hill Cemetery. The requested grant amount of \$3,000 was awarded to the City of Valdosta for this project by the Department of Natural Resources (Historic Preservation Division) in April, 2009. Per the terms of the grant contract, a Resolution must be adopted acknowledging that the City of Valdosta will agree to the contract and

designate authorized representatives to execute the contract. Grant administration will occur through the Planning and Zoning Division with oversight from Kathy Brunot, Grants Administrator. Mayor Fretti inquired about the match. Emily Foster stated that the match would be 40%/60%. The City's matching portion would be \$2,000 and out of that \$500 was donated, \$500 will come from the General Fund, and then \$1,000 is in-kind services through VALOR. Emily Foster recommended that Council approve the Resolution for a contract with the Georgia Department of Natural Resources for the Historic Preservation Fund Grant and authorize the Mayor to execute the contract.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Resolution No. 2009-14, a Resolution to approve a contract with the Georgia Department of Natural Resources for a Historic Preservation Fund Grant and authorize the Mayor to execute the contract, the complete text of which will be found in Resolution Book IV.

ORDINANCE NO. 2009-20, AN ORDINANCE TO AMEND THE RETENTION OF WEAPONS AND BADGES ORDINANCE

Consideration of an Ordinance to Amend the Retention of Weapons and Badges Ordinance.

Police Chief Frank Simons stated that the Retention of Weapons and Badges Ordinance is being amended to include that upon the death of any active member of the Police Department who was in good standing, was eligible for retirement under the City's normal retirement plan, served under honorable conditions for a minimum of ten (10) years, and met all criteria, that such member's beneficiary will be entitled to retain the deceased Officer's weapon and badge pursuant to regulations promulgated by the Chief of Police. Also, upon the death of any active member of the Police Department killed in the line of duty, such member's beneficiary shall be entitled to retain the deceased Officer's weapon and badge pursuant to regulations promulgated by the Chief of Police. The effective date of this amendment to the Ordinance is January, 2008. Chief Simons recommended that Council approve the amendment to the Ordinance.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2009-20, an Ordinance to Amend the Retention of Weapons and Badges Ordinance, the complete text of which will be found in Ordinance Book XI.

RESOLUTION NO. 2009-15, A RESOLUTION FOR DESIGNATION AS A PRESERVE AMERICA COMMUNITY

Consideration of a Resolution for Designation as a Preserve America Community.

Emily Foster, Historic Preservation Planner, stated that Preserve America is a Federal initiative that encourages and supports community efforts to preserve and enjoy our priceless cultural and natural heritage. The goals of the program include a greater shared knowledge about the nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of our communities. The Preserve America Communities program recognizes and designates communities that protect and celebrate their heritage, use their historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs. Benefits of designation include: (1) White House recognition, (2) eligibility to apply for Preserve America Grants, (3) a certificate of recognition, (4) a Preserve America Community road sign, (5) authorization to use the Preserve America logo on signs, flags, banners, and promotional materials, (6) listing in a Web-based Preserve America Community directory, (7) inclusion in national and regional press releases, (8) official notification of designation to state tourism offices and visitors bureaus, and (9) enhanced community visibility and pride. Preserve America Communities are also featured in National Register Travel Itineraries and in "Teaching with Historic Places" curricular material created by the National Park Service. This resolution is a required component of the application for designation as a Preserve America Community. If accepted and designated as a Preserve America Community, the City will receive the benefits listed above, such as eligibility for further grant opportunities. Emily Foster recommended that Council approve the Resolution for Designation as a Preserve America Community.

A **MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Resolution No. 2009-15, a Resolution for Designation as a Preserve America Community, the complete text of which will be found in Resolution Book IV.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Mayor Fretti asked Council to consider Agenda Items 5(a) through 5(j) under a Consent Agenda. Greg Brown, Purchasing Agent, informed Council that all of the items up for bid were approved by Council in the current year budget and asked Council's consideration in following the recommendation of the Purchasing Agent if all of the following bids were accepted at one time: (1) Item 5(a) - Consideration of bids for oils and lubricants for the City of Valdosta (Bid No. 27-08-09) – the only bid received was submitted by Akins LLC in the amount of \$34,520.61, (2) Item 5(b) - Consideration of bids for the annual filter contract for the City of Valdosta (Bid No. 28-08-09) - the low bid was submitted by G & W Auto Parts in the amount 58.0% off of jobber price, (3) Item 5(c) Consideration of bids for electrical services for the City of Valdosta (Bid No. 39-06-07) - the low bid was submitted by Cowart Electric in the amount of \$28.00 for an electrician, \$24.00 for helper, and 20% part discount , (4) Item 5(d) - Consideration of bids for air conditioning and heating services for the City of Valdosta (Bid No. 30-08-09) - the only bid received was submitted by Waller Heating and Air in the amount of \$45.00 regular time, \$60.00 over time, and 30% parts discount, (5) Item 5(e) - Consideration of bids for gas and diesel fuel for the City of Valdosta (Bid No. 31-08-09) - the low bid was submitted by Fuel South in the amount of \$0.0670, (6) Item 5(f) - Consideration of bids for the hand tools contract for the City of Valdosta (Bid No. 33-08-09) - the low bid was submitted by Air Gas in the amount of \$17,232.48, (7) Item 5(g) - Consideration of bids for custodial services for the Georgia Department of Labor (Bid No. 37-08-09) - the low bid was submitted by All Bright/All Pro in the amount of \$27,600, (8) Item 5(h) - Consideration of bids for grounds maintenance for the Georgia Department of Labor (Bid No. 38-08-09) - the low bid was submitted by R & L Lawn in the amount of \$3,840, (9) Item 5(i) - Consideration of bids for office supplies for the City of Valdosta (Bid No. 26-08-09) - the low bid was submitted by Staples in the amount of \$36,773.13, (10) Item 5(j) - Consideration of bids for cellular device services for the City of Valdosta (Bid No. 36-08-09) – the low bid was submitted by AT & T for 300 minutes in the amount of \$25.49

A **MOTION** by Councilman Payton, seconded by Councilman Head, was unanimously adopted (6-0) to approve the low bids recommended by the Purchasing Agent under a Consent Agenda for Agenda Items 5(a) through 5(j).

LOCAL FUNDING AND REQUESTS

Consideration of a Request to Appeal the Decision on a Certificate of Appropriateness by the Historic Preservation Commission for Vinyl Siding on an Apartment Complex at 407 West Mary Street.

Mayor Fretti stated that Council would hear first from the appellants, Jim Sineath and Jimmy Cone, and then from the defendant, Emily Foster, Historic Preservation Planner. There will be no public comment on the appeal but Council can ask questions.

Jimmy Cone, CMA Architects, 1806 Plum Street, stated that he represented Jim Sineath. They have an apartment complex located at 407 Mary Street across from Sunset City Cemetery and they met with the Historic Preservation Commission on May 4, 2009 to present a request to use vinyl siding which was consistent with several single-family houses located nearby. Mr. Cone stated that there is a house located at the corner of Mary Street and Johnson Street that has vinyl siding and there were two additional houses on Johnson Street that have vinyl siding. One of the reasons they were requesting to use vinyl siding instead of concrete siding was based on the existing houses in the neighborhood that have vinyl siding. The other reason is for economics. The vinyl siding is a lot less expensive than the concrete siding so the rent structure of the apartment complex would be less. The maintenance of the vinyl siding would also be less because it could be pressure-washed every year or every two years whereas the concrete siding would need to be painted every eight to ten years which is an added maintenance cost and would also affect the rent. Mr. Cone stated that he submitted a site plan of the complex with the application and some photographs. Mayor Fretti inquired as to whether there was any information to present on the cost hardship. Mr. Cone stated that Jim Sineath had information on the cost.

Jim Sineath, 2425 Westwood Drive, stated that the approximate cost would be \$14,000-\$15,000 and the difference is that the concrete siding would have to be painted. They built an apartment complex near the Mall approximately 25 years ago and they used vinyl siding. They still wash the buildings periodically the long term street appeal and appearance of those buildings have held up very well. If they have to paint something and it is not in the budget then that work is put off.

Emily Foster, Historic Preservation Planner and Commission Administrator for the Historic Preservation Commission, stated that on May 4, 2009, the Historic Preservation Commission approved the applicant's request to build a 14-unit apartment complex on West Mary Street with the following two conditions: (1) cement board siding was required, and (2) greater landscaping was required due to the fact that the building was oriented in such a way that the parking lot faced Mary Street in front of the building. The condition for cement board siding was based on Ms. Foster's recommendation which consistent with the Valdosta Historic District Design Guidelines which clearly state that vinyl siding is not appropriate for the Historic District. The applicant has appealed this decision based on the fact that there are vinyl-sided houses nearby which are Habitat for Humanity homes. The apartment complex will have a greater visual impact on the area instead of a single-family home so it is important that this larger complex use appropriate materials in the Historic District. In the past, the Historic Preservation Commission did allow Habitat for Humanity to use vinyl siding because their materials were donated and they are a non-profit organization. Habitat for Humanity has since switched to using cement fiber board siding. If a non-profit can switch to a higher quality material then a for-profit developer should be able to as well. Ms. Foster stated that she met with Mr. Sineath and Mr. Cone prior to the meeting and suggested that if there were financial hardship concerns then they should bring that information to the Historic Preservation Commission meeting on May 4, 2009; however, no information was presented at that time. The decision that Historic Preservation Commission made should be based on whether abuse of discretion exists and they went by the Design Guidelines and Staff's recommendation and no abuse of discretion exists.

Councilman Eunice inquired as to what would have been considered a financial hardship if something had been brought forward. Emily Foster stated that the burden is on the applicant to provide information that the project could not be built because the material being used was burdensome; however, that would be up to the Historic Preservation Commission to make that call. Larry Hanson, City Manager, stated that as a general rule it would be a hardship such that the project could not go forward if that requirement was maintained. Councilman Wright inquired as to the primary reason for the Historic Preservation Commission recommending the concrete siding as opposed to the vinyl siding. Emily Foster stated that the preferential materials for new residential construction are wood siding and brick. Hardieboard is an accepted alternative because it mirrors the characteristics of wood siding more closely than vinyl siding. The vinyl siding is not appropriate on historic buildings. Larry Hanson stated that the Historic Preservation Commission was not recommending Hardieboard but they were recommending to deny the request to use vinyl siding and it would have been the developer's alternative as to whether he went with wood, brick, or Hardieboard. Councilman Wright inquired as to whether the cement siding would fit into the neighborhood. Emily Foster stated that it would fit in the neighborhood. This would also set a precedence that vinyl siding is acceptable in the Historic District when the Design Guidelines clearly state that it is inappropriate. Councilman Carroll stated that he served as Chairman of the Historic Preservation Commission in the late 1980's when Hardieboard siding was brought forward by the resident architect serving on the Historic Preservation Commission as an alternative to wood siding for use in the Historic District. They did some research and concluded that it met their needs and the needs of the Historic District because it is available in different thicknesses and grains. Through the course of time, it has been approved on several historic homes but even back in those days vinyl siding was never an accepted material for use in the Historic District.

A MOTION was made by Councilman Carroll to deny the request for an appeal on the decision on a Certificate of Appropriateness by the Historic Preservation Commission for vinyl siding on an apartment complex at 407 West Mary Street. Councilman Payton seconded the motion. The motion was adopted (5-1) with Councilman Wright voting in opposition.

Consideration of a Request to Amend the Community Development Block Grant (CDBG) FY2008 Annual Action Plan.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta was notified by the Director of the Office of Block Grant Assistance from the U. S. Department of Housing and Urban Development (HUD) that the City was awarded \$159,373 in additional Community Development Block Grant (CDBG) funds under the American Recovery and Reinvestment Act of 2009. These CDBG-R funds must be utilized for those projects deemed shovel ready and 50% of infrastructure project funding must be committed by June 17, 2009. The City is required to submit a Substantial Amendment to the FY2008 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) by June 5, 2009 in order to receive the grant award. The City is required to follow those steps as outlined in the adopted Citizen Participation Plan in order to amend the FY2008 Annual Action Plan. HUD is allowing a seven-day public comment period in order to expedite the submission process for their consideration. A public notice was run in the Valdosta Daily Times on May 10, 2009 and a public hearing was held on Tuesday, May 19, 2009 in the City Hall Annex Multi-Purpose Room to review the project recommendations to be funded by the CDBG-R funds. There were no attendees at the public hearing. Also the proposed use of funds was advertised at both locations of the public library as well as on the City's web site and no public comments were received. Staff proposed the following allocation: (1) Administration (10%) - \$15,937, (2) J. L. Lomax Park improvements - \$71,718, and (3) MLK Corridor project water and sewer improvements - \$71,718. Mara Register recommended that Council approve the amendment to the FY2008 Annual Action Plan and the proposed allocation of CDBG-R funds.

A MOTION by Councilman Head, seconded by Councilman Wright, was unanimously adopted (6-0) to approve request to amend the Community Development Block Grant (CDBG) FY2008 Annual Action Plan and the proposed allocation of CDBG-R funds.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the City continues to work with FEMA and GEMA and have had good success. John Whitehead, III, Deputy City Manager of Operations, and Henry Hicks, Utilities Director, met with the officials yesterday and they will be coming back next week to meet with City representatives on the Withlacoochee Wastewater Treatment Plant.

There was an article in the newspaper about the St. Augustine railroad switching yard and the City's successful efforts through the assistance of Senator Tim Golden to secure \$1 million in funding to help eliminate the problem of trains blocking St. Augustine Road. There will be a meeting with the Georgia Department of Transportation next Wednesday to get that project started.

The City of Valdosta Budget Hearings will be held on June 3-4 beginning at 5:00 p.m. with a meal and the hearings to follow at 5:30 p.m.

The Mayor/Council trip to Washington, D.C. was very successful and timely with the earmark requests, stimulus funding projects, FEMA issues, and Moody Air Force Base. They met with both Senators and Congressmen, FEMA officials, and the Department of Justice and made good progress.

COUNCIL COMMENTS

Councilman Yost thanked Staff for coming to the first New Wood Valley Homeowners Association meeting that was held at the New Wood Valley Community Center last week. There was a full house and it was a very good meeting. Councilman Yost also noted that the Mayor and Council Washington trip was one of the best ones they have had.

Councilman Head stated that he was asked to distribute a letter to the Mayor and Council from a colleague.

Councilman Eunice stated that he participated in a reception held by Colonel Todorov at Moody Air Force Base thanking the 23rd Engineering Squadron for volunteering their time and efforts during the flooding that occurred at the Withlacoochee Wastewater Treatment Plant.

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Carroll, seconded by Councilman Head, was unanimously adopted (6-0) to adjourn the May 21, 2009 meeting of the Valdosta City Council at 6:30 p.m. to meet again in regular session on Thursday, June 11, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta