

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, MAY 7, 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 Pastor David Northcutt, Greater Mt. Carmel Ministry, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE MAY, 2009 EMPLOYEE OF THE MONTH AWARD

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

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

Mayor Fretti presented the May, 2009 Employee of the Month Award to William Sims (Engineering Department).

William Sims began his employment with the City of Valdosta in November, 1997 as a Light Equipment Operator in the Engineering Department. In August, 1998, he was promoted to the position of Instrument Technician which is the job he currently holds. As an Instrument Technician, Mr. Sims performs surveying duties for the City and operates the GIS System to produce maps and locate critical elements such as valve covers and sewer manholes. He frequently works with numerous City agencies in determining right-of-ways and easements and assists citizens with concerns regarding property line issues. Throughout his career, William has always had the reputation of someone who could tackle a difficult project and produce outstanding results in a short period of time. Such was the case early this year when the Engineering Department was notified that the City Limits description needed to be updated and presented to the Georgia General Assembly in Atlanta by February 15, 2009. This was a monumental task which would require research on the last seven years of annexations as well as the recording of thousands of bearing and distances on a survey. Knowing this, William began the project on January 11, 2009 and worked tirelessly to complete it on February 3, 2009 allowing a much needed week to prepare the results for presentation to the General Assembly. During the project, William corrected over 50 pages of irregularities and added this information to the City's GIS so that it can now be updated yearly. Thanks to William's professionalism and sense of urgency, a critical project was completed on time ensuring the City was in compliance with the requirements of the Legislature during the current session. His steps in using the new GIS technology to make this information easy to access and update in the future will ensure this critical information will remain current. For these reasons and many others, the City of Valdosta recognized William Sims as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the April 23, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

There were no citizens to be heard.

AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ACCOMMODATE A PERSONAL CARE HOME DENIED

Consideration of an ordinance for a Conditional Use Permit in a Single-Family Residential (R-10) Zoning District to accommodate a parking lot as requested by House of God in Saints in Christ Church (File No. CU-2009-03). The property is located at 800 Bethune Street. The Planning Commission reviewed this request at their April regular meeting and recommended approval (4-3 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Conditional Use Permit in a Single-Family Residential (R-10) zoning district to accommodate a parking lot for the House of God in Saints in Christ Church, which sits across Lake Park Road from the property. The parcel is located in the northwest corner of the intersection of Bethune Street and Lake Park Road and consists of 0.26 acres. The existing Church has approximately 55 parking spaces on site and the new parking lot would accommodate 24 spaces. The surrounding properties are established Residential and the applicants have agreed to some modifications of the site plan which would include relocating the entrance from Bethune Street to Lake Park Road, leaving the parking area unpaved, constructing a fence on the portions of the property that abut residential structures, and heavily landscaping the portion of the property along Bethune Street. When Staff reviewed the request, they focused primarily on the Future Development Map which depicts this area as an established Residential character area. Staff was concerned about allowing a parking lot on the edge of an established residential neighborhood, particularly so close to housing and without buffering. Based on the fact that the proposed use is inconsistent with the Conditional Use Permit Criteria, the surrounding land uses, and the Established Residential Character Area, Staff found the request inconsistent with the Comprehensive Plan and recommended denial. The Planning Commission reviewed this request at their April 27, 2009, regular meeting and recommended approval of the request with a vote of 4-3 with the following conditions: (1) the parking lot will not be paved, (2) access to the parking lot will be from Lake Park road only, (3) all specimen trees (as determined by the City Arborist) will be preserved, (4) an opaque fence will be constructed along the north and west property lines which abut Residential property, (5) landscaping will be provided adjacent to the opaque fence and adjacent to Bethune Street, and (6) the parking spaces will be designated with landscape timbers or concrete bumpers.

Jimmy Cone, 1806 Plum Street, spoke in favor of the request. Mr. Cone stated that he represented the House of God in Saints in Christ Church and had assisted them in the parking lot planning. The Church is in agreement to comply with the six conditions. Councilman Wright inquired about the trees that would need to be cut in order to accommodate a 24-space parking lot. Mr. Cone stated that the 24-space parking lot was based on a paved parking lot that was previously indicated but they would not be able to park 24 cars until it is determined the number of trees that are specimen trees. Councilman Head inquired as to whether pine trees are considered specimen trees. Anne-Marie Wolff stated that it depended on the type of pine tree and the diameter of the tree.

David M. Northcutt, Pastor of Greater Mt. Carmel Ministry, 1106 Lake Park Road, spoke in favor of the request. Pastor Northcutt stated that the Church has agreed to comply with the present conditions in order to use the lot for the necessary parking for the Church. The Church has been there for over 60 years and they do not want to leave the community. They will also ensure that the lot is maintained. Pastor Northcutt asked Council's consideration in approving the request. Councilman Yost inquired as to whether there was any activity on the lot at the present time. Pastor Northcutt stated that the Church has used the lot for overflow parking but because of the trees and stumps they are not able to get many cars on the lot. With the appropriate clean-up they would be able to get more cars on the lot. The clean-up has begun but there are some remaining trees that would need to be removed once they have received approval. Councilman Yost inquired as to whether the Church would be able to park on the lot if the request was denied. Anne-Marie Wolff stated they would not be in compliance. Councilman Wright inquired about the overflow parking and where most of the Church members parked. Pastor Northcutt stated that most of the members park on the side of the road and there is another church in the area that they work with if there is a big event. They also have a van ministry which brings a lot of people to the Church but the overflow parking is essential for the future projects of the Church. Councilman Wright inquired as to whether this would solve the Church's parking problem or if they would need additional parking. Pastor Northcutt stated that this would take care of a great deal of the parking situation at this time. Councilman Head inquired about future expansion of the Church and how they plan to accommodate the growth. Pastor Northcutt stated that the Church owns some other properties in the area and they are looking at acquiring some property on the same side as the Church.

Dorothy Green, 803 Bunche Street, spoke in favor of the request. Ms. Green stated that she has lived there for 46 years and has found the Church to be a positive influence on the neighborhood. It is very inconvenient for the Church members to park on the street and she would like to for the Church to be able to use the lot for parking.

Ethel Keys, 801 Bunche Street, spoke in favor of the request. Ms. Keys stated that she has lived there since 1955 and has enjoyed the Church being there. There is a great need for the Church to have the parking area. Ms. Keys stated that her lot adjoins the parking lot and on Sunday the members park down the side of Lake Park Road on both sides. When there is a large event, members are parking on both streets. With the addition of this parking lot it would help the Church. Ms. Keys asked Council's consideration in allowing the Church to have the lot for parking.

Jeffery Joyner, Deacon-Elect, 4014 Stratford Circle, spoke in favor of the request. Mr. Joyner stated that they need the parking lot because of the impact the Church has on the community. The people who move to Valdosta have heard about what has been happening at Greater Mt. Carmel and they visit the Church and then join. Mr. Joyner stated that they love the youth and have plans on bringing more people into the Church. He has heard that the parking lot would be a crime issue with cars being broken into, it being a hangout spot, or children might run across the street and get hit by a car, but this is what the brotherhood of the Church does. There are two Police Officers in the Church and the brotherhood would ensure that the children are not victimized or harmed. The Church has been a help to the community and even though the lot would not be paved they will make sure that landscaping is done. Mr. Joyner stated that the Church would like to make an impact on the community and they have plans to continue to grow but the 16 spaces would be enough for now. Mr. Joyner asked Council's consideration in approving the request. Councilman Payton inquired as to whether Mr. Joyner had communicated with those citizens who were against the request. Mr. Joyner stated that he had not personally contacted them but the Pastor has spoken with one individual who was against the request and the complaint was that people would gather after hours in the parking lot or there could be children running out in the street.

Velma Sykes, 804 Bethune Street, spoke in opposition to the request. Ms. Sykes stated that she has lived there for 40 years and has never seen anyone from the Church doing anything in the community. The neighborhood is deteriorating as well as that side of town. There is a major crime area less than one-quarter mile to the south of the neighborhood and to the north there is another crime area. The Church members will only be there one or two days a week and the rest of the time the parking lot will become another loitering area which will bring crime directly into the neighborhood. Ms. Sykes stated that she is a senior citizen and wanted to feel safe entering and leaving her home. She is also worried about the safety of her grandchildren and the neighbors' grandchildren. This area does not need any extra temptation for criminal element and this parking lot would be just that.

Eloise Hammonds, 11348 Arborside Bend Way, Windermere, Florida, spoke in opposition to the request. Ms. Hammonds stated that she is the owner of the property at 802 Bethune Street but is currently living in Orlando, Florida. She has family in Valdosta and would like to retire and move into her house within the next two years. Ms. Hammonds stated that she did not want a parking lot located next door to her property. The house is currently occupied by a woman with grandchildren and the way the house is situated on the lot the bedrooms would be facing the parking lot and would be subjected to lights from cars coming and leaving. Even though the Church indicated that they would put a fence up it would not hide the lights or the noise. The Church members are not members of the neighborhood and the parking lot would not be good for the neighborhood. Also, once they remove the trees, the lot would become muddy when it rains. Ms. Hammonds stated that the Church should not impact the neighborhood that way and if they are doing work for the community that is good but putting a parking lot there has created a lot of animosity. She would like to see the Church use some of the other properties that they own. If the Church is growing then they will run out of space and will have to take over another neighborhood. Ms. Hammonds asked Council's consideration in denying the request.

Councilman Eunice inquired as to whether Staff's recommendation would have been different had they received the letter from Jimmy Cone prior to making the recommendation. Anne-Marie Wolff stated that it would not have changed their recommendation because Staff felt that the lot is more appropriate for residential use even though the conditions would help lessen the impact of the parking lot if it is approved. Staff looked at the Comprehensive Plan and the established development and recommended denial.

**AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO
ACCOMMODATE A PERSONAL CARE HOME DENIED (CON'T)**

05/07/09 CONTINUED

Councilman Wright inquired as to what would be the maximum number of parking spaces they would be able to get on the lot. Von Shipman, City Engineer, stated that it would be dependent upon the trees and how they would lay out the parking spaces. There has to be a certain minimum width for the parking spaces. Councilman Wright stated that if the trees are taken out then that would increase water runoff. Von Shipman stated that if trees are taken out and an impervious surface is placed on the lot there would still be runoff. Councilman Wright stated that comments made under the Conditional Use Permit criteria indicated that there would be an increase in stormwater runoff. Von Shipman stated that those comments were based on the parking lot being paved. There would still be runoff with an impervious surface but if it is graded properly the water will be directed to a place.

A MOTION by Councilman Wright, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of the Planning Staff and deny the request for a Conditional Use Permit in a Single-Family Residential (R-10) Zoning District to accommodate a parking lot as requested by House of God in Saints in Christ Church.

**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). Mayor/Council postponed the request at the April 9, 2009 regular meeting until the first Council meeting in May.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant has requested an additional month postponement. The postponement in April was immediately following the flood and was primarily so that citizens could deal with flood issues. Mr. Eager would like to postpone the request until the first Council meeting in June since he was out of the country on a Mission trip when the request came back before the Planning Commission. The request will be heard at the May 18, 2009 Planning Commission meeting and there will be no subsequent postponements.

A MOTION by Councilman Eunice, seconded by Councilman Carroll, 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 June 11, 2009 Council meeting.

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/Council postponed the request at the April 9, 2009 regular meeting until the first Council meeting in May.

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

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (7-0) to postpone the request to annex 3.94 acres as requested by George Eager until the June 11, 2009 Council meeting.

**ORDINANCE NO. 2009-14, AN ORDINANCE FOR
TEXT AMENDMENTS TO THE VALDOSTA LAND
DEVELOPMENT REGULATIONS ORDINANCE**

05/07/09 CONTINUED

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 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/Council postponed the request at the April 9, 2009 regular meeting until the first Council meeting in May.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the Text Amendments to the Land Development Regulations (LDR) was postponed one month for additional review. There were some additional changes as discussed at the Work Session which were distributed to Council tonight. The additional changes included the following: (1) permit mobile food vendors by Administrative Permit (AP) in a Mixed Use District (MXD), (2) permit special events by Administrative Permit (AP) in all zoning districts, (3) permit swimming pool-home by Accessory Use (A) in Residential-Professional (R-P), and (4) permit outdoor storage for mini-warehouses and self storage units [Supplemental Standards (SS)] in compliance with Chapter 218-13 (xx). Other changes include: (1) add Highway-Commercial and Adult-Commercial zoning districts as permitted districts within the Industrial Activity Center Character Area, (2) revisions to the Table of Permitted Uses which include the additional changes, (3) changes to the Supplemental Regulations (mini-warehouse and storage units making the Supplemental Standards more feasible for the community, (4) adding safety features to daycare centers for picking up and dropping off children, and (5) documenting provisions for mobile car washing businesses in the LDR.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the request as presented by Staff and enact Ordinance No. 2009-14, 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, and including the handout with additional changes which was distributed to Council tonight, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2009-15, AN ORDINANCE AMENDING THE VALDOSTA LAND DEVELOPMENT
REGULATIONS ORDINANCE**

Consideration of an ordinance to rezone 2.0 acres from Single-Family Residential (R-10) County to Light Manufacturing (M-1) City as requested by Butler, Butler, & Butler, LLC (File No. VA-2009-10). The property is located immediately south of Langdale Lumber on the west side of Madison Highway. The Planning Commission reviewed this request at their April regular meeting and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 2.0 acres from Single-Family Residential (R-10 County) to M-1 (Light-Manufacturing City) in order to accommodate a bail bonding business and a mini-warehousing facility. The property is currently undeveloped and the applicant's proposed use is appropriate for this type of lot. A small portion of the facility would be used for the bail bonding business and would be permitted under the Accessory Use provisions of the LDR. The surrounding uses are a mixture of manufacturing and some residential still in the County. There would need to be some modifications and discussions with the Fire Department regarding access. Staff found the request consistent with the goals and policies of the Comprehensive Plan and recommended approval with the following conditions: (1) only one freestanding sign per property, (2) only one entrance/exit, (3) the bail bonding business may not exceed 20% of the

development's gross floor area, and (4) the development must be buffered along the south side as shown on the proposed site plan. The Planning Commission reviewed this request at their April 27, 2009, regular meeting and recommended approval of the request (7-0).

Matt Martin, 408 River Street, spoke in favor of the request. Mr. Martin stated that he represented the applicant and they were seeking M-1 zoning. Also, at the Planning Commission meeting, the four conditions were not included with the recommendation for approval because those conditions are included in the City's LDR. The applicant has to comply with those anyway and there was no need to make them a condition of approval.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission Staff and enact Ordinance No. 2009-15, an Ordinance to rezone 2.0 acres from Single-Family Residential (R-10) County to Light Manufacturing (M-1) City as requested by Butler, Butler, & Butler, LLC, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-16, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3

Consideration of an ordinance to annex 2.0 acres as requested by Butler, Butler, & Butler, LLC (File No. VA-2009-10). The property is located immediately south of Langdale Lumber on the west side of Madison Highway. The Planning Commission reviewed this request at their April regular meeting and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to annex 2.0 acres from Single-Family Residential (R-10 County) to M-1 (Light-Manufacturing City) in order to accommodate a bail bonding business and a mini-warehousing facility. The property is contiguous to the City limits and is eligible for annexation in order to receive water and sewer services.

Matt Martin, 408 River Street, spoke in favor of the request. Mr. Martin stated that he represented the applicant and they were seeking annexation of the property.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission Staff and enact Ordinance No. 2009-16, an Ordinance to annex 2.0 acres as requested by Butler, Butler, & Butler, LLC, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-17, AN ORDINANCE FOR TEXT AMENDMENTS TO THE VALDOSTA LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 214, Standards Applying to All Districts, Chapter 230, Sign Regulations, Chapter 302, Subdivision and Site Development Standards, Chapter 306 Soil Erosion, Sedimentation, and Pollution Control, and Chapter 310, Stormwater Management as requested by the City of Valdosta (File No. VA-2009-11). The purpose of the Text Amendments are to add developmental standards for the Residential-Professional (R-P) Zoning District for clarification, provide consistency with State requirements and clarification, and provide guidance on maintenance requirements for existing stormwater detention/retention ponds. The Planning Commission reviewed this request at their April regular meeting and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that they were adding the basic development standards for R-P which are not new and were not carried over to the LDR. The Sign Ordinance is being corrected and will allow for additional square footage so that all of the smaller frontage buildings are consistent and get 50 square feet of signage. The Subdivision and Site Development Standards are being corrected and clarified as to

what is required for properties less than one acre regarding land disturbance permits. Also, standards will be added for existing stormwater facilities and any new facilities will be required to have a maintenance agreement. This will provide the City with regulations for existing facilities and bring them into compliance with the new requirements. Although the changes are nominal in nature, Staff felt that these Text Amendments would improve the effectiveness and clarity of the LDR. Staff found the changes consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their April 27, 2009, regular meeting and recommended approval (7-0).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Eunice, seconded by Councilman Wright, was unanimously adopted (7-0) to follow the recommendation of Staff and enact Ordinance No. 2009-17, an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 214, Standards Applying to All Districts, Chapter 230, Sign Regulations, Chapter 302, Subdivision and Site Development Standards, Chapter 306 Soil Erosion, Sedimentation, and Pollution Control, and Chapter 310, Stormwater Management as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-18, AN ORDINANCE AMENDING THE VALDOSTA LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an ordinance to rezone properties from Two-Family Residential (DR-10) to Single-Family Residential (R-10) or Single-Family Residential (R-15), Single-Family Residential (R-6S) to Single-Family Residential (R-6), Historic Residential (R-H) to Single-Family Residential (R-6), and Residential Professional (R-P) to Single-Family Residential (R-6) as requested by the City of Valdosta (File No. VA-2009-13).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that with the adoption of the Land Development Regulations (LDR), several new zoning districts were created, some districts were eliminated, and the definitions of several existing districts were revised. Specifically, Two-Family Residential (DR-10), Single-Family Residential (R-6S), and Historic Residential (R-H) were eliminated and R-6 became the Single-Family Residential district due to the creation of the Multi-Family Residential (R-M) district. Throughout the City there are many properties zoned DR-10, R-6S, or R-H and the purpose of this rezoning request is to bring these properties into consistency with the changes completed through the LDR. This request also includes the rezoning of select properties from Residential Professional (R-P) to Single-Family Residential (R-6) in order to bring these properties into consistency with the remaining portion of the neighborhood. In each case, the proposed zoning district has similar development standards as the property's existing zoning under the previous zoning ordinance. Any existing zoning conditions on the property will carry over with the new zoning. Staff found the request consistent with the goals and policies of Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their April 27, 2009, regular meeting and recommended approval (7-0).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Ordinance No. 2009-18, an Ordinance to rezone properties from Two-Family Residential (DR-10) to Single-Family Residential (R-10) or Single-Family Residential (R-15), Single-Family Residential (R-6S) to Single-Family Residential (R-6), Historic Residential (R-H) to Single-Family Residential (R-6), and Residential Professional (R-P) to Single-Family Residential (R-6) as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-19, AN ORDINANCE AMENDING CODE SECTION 11-2002, MAXIMUM HEIGHT OF WEEDS AND GRASS

Consideration of an Ordinance amending Code Section 11-2002, Maximum Height of Weeds and Grass.

Larry Hanson, City Manager, stated that the Ordinance will be amended to reflect a minor change in the wording. The Ordinance will now state that a notice will be served by Certified Mail to the owner and to the occupant instead of sending it via Registered Mail for the purpose of continuity and to save the City money in notifying the owners and the occupant if it is a different person.

A MOTION by Councilman Eunice, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2009-19, an Ordinance amending Code Section 11-2002, Maximum Height of Weeds and Grass, the complete text of which will be found in Ordinance Book XI.

RESOLUTION NO. 2009-11, A RESOLUTION REQUESTING PUBLIC ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Consideration of a Resolution requesting public assistance from the Federal Emergency Management Agency.

Larry Hanson, City Manager, stated that the Federal Emergency Management Agency (FEMA) is now transitioning from the homeowner assistance to the public assistance and they met with three of the City's Staff to analyze the public needs, the Wastewater Treatment Plant and other public infrastructure that was damaged by the flooding. The Resolution will designate the applicant's agent and allow the City to complete the necessary paperwork to submit our claims to FEMA. Larry Hanson recommended that Council adopt the Resolution and authorize Staff to complete the appropriate paperwork.

A MOTION by Councilman Yost, seconded by Councilman Eunice, was unanimously adopted (7-0) to enact Resolution No. 2009-11, a Resolution requesting public assistance from the Federal Emergency Management Agency, the complete text of which will be found in Resolution Book IV.

LOCAL FUNDING AND REQUESTS

Consideration of a request to adopt the 2010-2015 Consolidated Plan for the City of Valdosta.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta was named an Entitlement Community in December, 2003 which led to the annual allocation of Community Development Block Grant (CDBG) funds based on the adopted Consolidated Plan and the Annual Action Plan as required by the United States Department of Housing and Urban Development (HUD). The current Consolidated Plan, which is a five-year plan, covers the period of October 1, 2004 through September 30, 2009. The Plan sets forth goals and objectives to address various community development issues which include: (1) the homeless population, (2) special needs populations, (3) economic development, (4) public facilities, (5) public service programs, (6) planning, (7) anti-poverty strategies, (8) housing strategies, and (9) lead-based paint strategies. As required by Federal regulation, all funds allocated through the Annual Action Plan and consistent with the Consolidated Plan must be expended in the Designated Revitalization Area, which includes Census Tracts 0105.00, 0106.03-block2, 0108.00, 0109.00, 0110.00, 0113.01 and 0114.02. All activities relating to the goals and objectives of the Consolidated Plan must meet one of the three National Objectives of the CDBG program. These National Objectives are as follows: (1) provide a benefit to low and moderate-income persons, (2) prevent or eliminate slum and blight, or (3) meet an urgent community need that threatens the health or welfare of residents. The City of Valdosta is required by the U. S. Department of Housing and Urban Development (HUD) to adopt a five-year Consolidated Plan to address various community development needs and identifying the goals and strategies to address the identified needs. Two public hearings were held to seek citizen and organizational input. The CDBG Advisory Committee met three times to work with staff to develop the attached goals and objectives. Surveys were developed for citizens and non-profit organizations to solicit their input on developing the goals and objectives.

The preliminary goals and objectives were presented to the Mayor and City Council on April 7, 2009. Subsequent to that presentation, the draft goals and objectives were placed on the City's website and were provided to the public at the libraries on Griffin Avenue and Woodrow Wilson Drive. Notices were placed in the Valdosta Daily Times to notify citizens of the opportunity to comment on the draft goals and objectives. Staff has incorporated citizen and organizational comments from the surveys, public hearings, and public review period into the final proposed goals and objectives. Some accomplishments of the City which includes Community Development Block Grant Funds, CHIP Funds, UDAG Funds, and General Funds are as follows: (1) provided down payment assistance to 115 first time homebuyers in our community, (2) completed minor repairs to 185 homes, (3) completed major repairs to four homes with one in progress and reconstructed twelve homes with seven more in progress, (4) completed minor repairs under the UDAG Program to seven homes, (5) completed minor repairs through Coastal Plains for 19 homes, (6) weatherized 38 homes, (7) completed more than 1,212 Code Enforcement inspections on structures that they assisted with demolition funding not only through the General Funds but also through CDBG, (8) demolished more than 370 homes, (9) brought more than 340 homes up to Code, (10) assisted various public facility projects in the amount of \$38,000, (11) assisted many non-profits with public service programs to include youth scholarships, youth development programs, services for the disabled veterans and information through the Red Cross, and assistance to the Homeless Coalition with a homeless survey and an operating costs for their 211 Center in the amount of \$130,000. They have also had approximately 1,000 residents come through the various home buyer education programs which were funded by the CDBG program. Mara Register recommended that Council approve the request to adopt the Consolidated Plan.

A **MOTION** by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to adopt the 2010-2015 Consolidated Plan for the City of Valdosta.

Consideration of a request to apply for grant funds for the Governor's Office of Highway Safety Traffic Enforcement Network (TEN) Program.

Larry Hanson, City Manager, stated that the Governor's Office of Highway Safety has a funding initiative to help improve the safety of Georgia roads by reducing crashes, injuries, and fatalities. Under the 2010 program cycle, there is a Traffic Enforcement Network application that is available to each of the 16 approved units within the State of Georgia. The City of Valdosta is requesting funding from the Governor's Office of Highway Safety (GOHS) in the amount of \$15,000 to continue these efforts. Funds from this grant would be divided equally between the Traffic Enforcement Network and the Valdosta Police Department and would be used for equipment purchases such as electronic ticket printers for several of the vehicles and for education. There is no required match for the program. Larry Hanson recommended that Council approve the request to apply for grant funds for the Governor's Office of Highway Safety Traffic Enforcement Network (TEN) Program.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the request to apply for grant funds for the Governor's Office of Highway Safety Traffic Enforcement Network (TEN) Program.

RESOLUTION NO. 2009-12, A RESOLUTION TO APPLY FOR GRANT FUNDS FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR CONTINUATION OF THE H.E.A.T. PROGRAM FOR 2010

Consideration of a request to apply for grant funds from the Governor's Office of Highway Safety for continuation of the H.E.A.T. Program for 2010.

Larry Hanson, City Manager, stated that the Governor's Office of Highway Safety has a funding initiative to help improve the safety of Georgia roads by reducing crashes, injuries, and fatalities. For the past three years, the Police Department has received funding for three fully equipped police vehicles and salary assistance for two Traffic Officers with a match of one Officer by the City. The original grant application is due to expire in October, 2009; however, under the 2010 program cycle, there is a continuance application that provides continued funding for two Officers for one more year, again with a match of one officer by the City. The City was awarded funding under the 2007 grant cycle to establish a H.E.A.T. Unit and continuation funding under the 2008 and 2009 grant

cycle. The City is requesting funding from the Governor's Office of Highway Safety to continue the H.E.A.T. program for an additional year. The first year's funding was at the level of 100%, year two was at a level of 80%, and year's three was at a level of 60%. The continuance grant will include funding for two Officers at 60%, based on the guidelines established by the continuance grant application. This year would mark the fourth and final year of funding and the required match would come from the Police Department's budget at 40%. At the conclusion of the four-year grant period, the City and the Police Department agree to retain the grant funded Officers as part of the City's police force. Larry Hanson recommended that Council approve the request to apply for grant funds for continuation of the H.E.A.T. Program for 2010.

A MOTION by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (7-0) to enact Resolution No. 2009-12, a Resolution to apply for grant funds from the Governor's Office of Highway Safety for continuation of the H.E.A.T. Program for 2010, the complete text of which will be found in Resolution Book IV.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of appointments to the Community Development Block Grant Advisory Committee.

Larry Hanson, City Manager, stated that the Community Development Block Grant Advisory Committee had two members, Barthaniel Werts, Jr. and Dr. Dick Saeger whose terms expired on February 24, 2009. The following citizens submitted applications for consideration in no order of preference: (1) Anthony Bellamy – Pastor, Bray's Temple Missionary Baptist Church, (2) Barthaniel Werts, Jr. – Retired, and (3) Judline Bernadin – Distribution Center Coordinator, AmeriCorps VISTA/LAMP.

Mayor Fretti asked for nominations for Position #1. Councilman Head placed in consideration the name of Anthony Bellamy. Councilman Eunice placed in consideration the name of Barthaniel Werts, Jr. There being no other nominations, Mayor Fretti closed nominations. Anthony Bellamy received four votes and Barthaniel Werts, Jr. received three votes. Anthony Bellamy was appointed to serve a term of four years on the Community Development Block Grant Advisory Committee.

Mayor Fretti asked for nominations for Position #2. Councilman Wright placed in consideration the name of Barthaniel Werts, Jr. There being no other nominations, Mayor Fretti closed nominations. Barthaniel Werts, Jr. was appointed by acclamation to serve a term of four years on the Community Development Block Grant Advisory Committee.

Consideration of an appointment to the Greater Lowndes Planning Commission.

Larry Hanson, City Manager, stated that the Greater Lowndes Planning Commission had one appointment to fill the term of Johnny Ball, III whose term will expire on July 8, 2009. The following citizens submitted applications for consideration in no order of preference: (1) Johnny Ball, III – Assistant Administrator, South Georgia Medical Center, (2) Dan Deaver – General Manager, Hunt Industries, and (3) Terry Hunt – Engineer, Hunt Industries. Larry Hanson noted that Dan Deaver had also submitted his application for the Valdosta-Lowndes County Airport Authority as his first choice and the Greater Lowndes Planning Commission as his second choice.

Mayor Fretti asked for nominations. Councilman Head placed in consideration the name of Johnny Ball, III. There being no other nominations, Mayor Fretti closed nominations. Johnny Ball, III was appointed by acclamation to serve a term of five years on the Greater Lowndes Planning Commission.

Consideration of appointments to the Keep Lowndes-Valdosta Beautiful Board.

Larry Hanson, City Manager, stated that the Keep Lowndes-Valdosta Beautiful Board has the following members whose terms will expire on June 30, 2009 and June 30, 2010, respectively: (1) Mike Paine, and (2) Kathy Brunot. Kathy Brunot has served exceeded the number of years to serve on this Board. The following citizens

submitted applications for consideration in no order of preference: (1) Charlie Oliver–Educator, Valdosta Technical College, (2) Mike Paine – Life Insurance Agent, M. J. Paine Agency, and (3) Judline Bernadin – Distribution Center Coordinator, Americorps VISTA/LAMP.

Mayor Fretti asked for nominations for Position #1. Councilman Vickers placed in consideration the name of Mike Paine. There being no other nominations, Mayor Fretti closed nominations. Mike Paine was reappointed to serve a term of three years on the Keep Lowndes-Valdosta Beautiful Board.

Mayor Fretti asked for nominations for Position #2. Councilman Carroll placed in consideration the name of Charlie Oliver. There being no other nominations, Mayor Fretti closed nominations. Charlie Oliver was appointed to fill the unexpired term of Kathy Brunot on the Keep Lowndes-Valdosta Beautiful Board.

Consideration of an appointment to the Valdosta-Lowndes County Airport Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Airport Authority had one appointment to fill the term of Joe Prater, Jr. whose term will expire on May 21, 2009. The following citizens submitted applications for consideration in no order of preference: (1) Joe Prater, Jr. – Retired from the U. S. Air Force and Valdosta Technical College, (2) Dr. James Sinnott – Doctor with Valdosta Medical Clinic, (3) Dan Deaver – General Manager, Hunt Industries, and (4) Nathaniel Haugabrook, II - Attorney, Copeland, Haugabrook & Walker.

Mayor Fretti asked for nominations. Councilman Head placed in consideration the name of Nathaniel Haugabrook, II. Councilman Payton placed in consideration the name of Joe Prater, Jr. There being no other nominations, Mayor Fretti closed nominations. Mayor Fretti asked the City Manager if background checks are conducted on applicants. Larry Hanson, City Manager, stated that background checks are not conducted on applicants. Mayor Fretti stated that it was just a nomination or application until it was placed in consideration by Councilman Head but this gentleman has been in prison for 18 months for felony tax evasion. Councilman Head inquired as to what the Mayor was saying. Mayor Fretti asked if we were endorsing tax evasion. Councilman Head stated that he nominated Nathaniel Haugabrook for the slot on the Airport Authority. Mayor Fretti stated that he would be handling millions of dollars and he is a convicted felon. Councilman Head stated that his nomination stands and he himself would not be handling funds but he would make decisions concerning funds and at no time would the nominee come into control of funds or disbursement of funds. He would be only one of a board of members. Mayor Fretti stated that if he was the Chairman he would have a lot of influence. Councilman Head stated that he is not Chairman and would not be Chairman going in and his nomination stands. Mayor Fretti stated to the Council that he had an issue with nominating and appointing a person who has been convicted of a federal felony and has served prison time. Mayor Fretti asked the City Manager that we bring forth a background check on appointees. Elected officials probably serve to a lower standard because they serve the constituents and they vote for them and they do not do background checks on them unless they want to; however, with appointed officials who we know will be handling millions of dollars we should do a background check. Councilman Yost stated that he did not disagree that they need to be careful but if you are going to do background checks on individuals then you have to establish whether it will be for all citizens who apply or if it will be on certain appointments who handle certain functions. Also, just because you do a background check on someone and you find that there has been a problem, there will need to be a policy established and in place to deal with that problem. Mayor Fretti stated that was valid and that some appointments on Boards and Authorities do not handle money at all and some do so that criteria would have to be set. Councilman Head stated that if there is a situation where a single individual can in any way obligate funds of an organization then we are in trouble. Across the board, when you look at the By-laws that govern these Boards and Commissions, is there a situation where a single individual can in any way disperse or do anything relative to obligating or spending money on behalf of a Board, Commission, or Authority? George Talley, City Attorney, stated that the person's vote would be the only thing and that the person would not be handling any money at all. Larry Hanson stated that the City currently does a background check on every employee that is hired and there are some standards for employment as to what those violations can be. In some cases, the standards are higher such as in the Police Department. If it is the desire of the Mayor and Council then we can bring a recommendation that is not inconsistent with what we already do in the normal hiring

process with the City. It would need to be something that would be added to the application process and we would not be able to do a background check without the applicant's permission. Councilman Vickers stated that he would have preferred this discussion been done more discretely through E-mail and not at the Council meeting. If a background check is going to be required then it should be placed on the application. Council needs to be sensitive about sensitive issues. Mayor Fretti stated that when you sign your name on the line to serve the public then you open yourself up. Mayor Fretti called for the vote. Nathaniel Haugabrook, II received three votes and Joe Prater, Jr. received four votes. Joe Prater, Jr. was reappointed to serve a term of four years on the Valdosta-Lowndes County Airport Authority.

Consideration of an appointment to the Valdosta-Lowndes County Construction Board of Adjustments and Appeals.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Construction Board of Adjustments and Appeals had one appointment to fill the term of Ronald Cowart whose term will expire on June 30, 2009. Mr. Cowart was the only citizen to submit an application for consideration.

Mayor Fretti asked for nominations. Councilman Payton placed in consideration the name of Ronald Cowart. There being no other nominations, Mayor Fretti closed nominations. Ronald Cowart was re-appointed by acclamation to serve a term of three years on the Valdosta-Lowndes County Construction Board of Adjustments and Appeals.

Consideration of an appointment to the Valdosta-Lowndes County Hospital Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Hospital Authority had one appointment held by Leroy Butler whose term expired on May 1, 2009. Due to a 1992 Consent Order signed by the City of Valdosta, Lowndes County, and the Hospital Authority, the Hospital Authority was given authority to submit three names for the City's consideration. The following citizens submitted applications for consideration in no order of preference: (1) Leroy Butler – Evangelist/Elder, Woodlawn Forrest Church of Christ, (2) Sam Allen – Retired from the Valdosta City School Board of Education, and (3) Laverne Gaskins – Attorney, Valdosta State University. All of the applicants are eligible to serve and the Hospital Authority has recommended that Leroy Butler be reappointed.

Mayor Fretti asked for nominations. Councilman Vickers placed in consideration the name of Sam Allen. Councilman Eunice placed in consideration the name of Leroy Butler. There being no other nominations, Mayor Fretti closed nominations. Sam Allen received four votes and Leroy Butler received three votes. Sam Allen was appointed to serve a term of five years on the Valdosta-Lowndes County Hospital Authority.

Consideration of an appointment to the Valdosta-Lowndes County Zoning Board of Appeals.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Zoning Board of Appeals had one appointment held by Mike Hill whose term expires on May 8, 2009. The following citizens have submitted applications for consideration in no order of preference: (1) Laverne Lewis Gaskins – Attorney, Valdosta State University, (2) Jack B. Herndon – Retired and Current Rental Property Manager, and (3) Ashley Hill – Retired from First Federal Savings & Loans Association.

Mayor Fretti asked for nominations. Councilman Payton placed in consideration the name of Laverne Lewis Gaskins. Councilman Eunice placed in consideration the name of Jack Herndon. Mayor Fretti placed in consideration the name of Ashley Hill. There being no other nominations, Mayor Fretti closed nominations. Laverne Lewis Gaskins received five votes, Jack Herndon received two votes, and Ashley Hill did not receive any votes. Laverne Lewis Gaskins was appointed to serve a term of three years on the Valdosta-Lowndes County Zoning Board of Appeals.

Larry Hanson, City Manager, stated that Police Chief Frank Simons received the Liberty Bell Award tonight at the Valdosta Bar Association's Dinner at the Valdosta Country Club and this Award is their highest honor.

The Federal Emergency Management Agency (FEMA) has closed the assessment center in Valdosta and will be keeping a small staff of two people here for several weeks while they transition to public assistance. They have had very good participation and most of the residents who were interested in making an application have done so.

There will be several upcoming Transit Meetings on May 19, May 20, June 2, and June 3. Councilman Head had requested information on the meetings for distribution in his district. Larry Hanson, City Manager, stated that flyers are available for Council members who would like to encourage public participation in these meetings.

The City Engineer has been notified by the County that the Staten Road Bridge will be opening on May 18, 2009 and we could receive complaints about an increase in traffic on Staten Road and Cherry Creek Road.

COUNCIL COMMENTS

Councilman Carroll applauded Von Shipman, City Engineer, for taking the initiative on Staten Road and Cherry Creek Road to stripe it. This will help to mitigate the large increase in traffic once Staten Bridge is opened. The speed limit coming into the City limits is 55 miles per hour and this will help to discourage some speeding in the area.

ADJOURNMENT

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the May 7, 2009 meeting of the Valdosta City Council at 7:10 p.m. to meet again in regular session on Thursday, May 21, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta