

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, JULY 24, 2008**  
**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: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., Willie Head, Jr., John Eunice, and James Wright. Councilman Robert Yost was absent. The invocation was given by Councilman James Wright, followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

The minutes of the July 10, 2008 Regular Meeting were approved by unanimous consent (6-0) of the Council.

**CITIZENS TO BE HEARD**

Roger Budd, III, #5 Cherokee Circle, stated that he has a legal issue with the City regarding a sign permit which has been on going for two years and would be in the best interest of both the City and the Budd family if they could resolve it by dismissing the case. Mr. Budd stated that he would provide the Mayor and Council with a written document listing his reasons why this issue should be resolved for discussion at a later date. Mayor Fretti asked the City Attorney if he could accept the written document since a lawsuit had been filed. George Talley, City Attorney, stated that Mr. Budd could distribute the document but he is represented by Counsel and the City has filed a motion to enforce a settlement in the case. Mr. Budd stated that he would like to resolve the case in a manner that would benefit both parties and he would be willing to drop any claims if the City would be willing to do the same. Mr. Budd stated that he wanted to lay out his position as a private citizen for the elected representatives to be informed of his side of the case and they can make up their mind on how they feel about it. George Talley stated that this was highly irregular because Mr. Budd is represented by an attorney who has responded to the motion that was filed. Mayor Fretti thanked Mr. Budd for bringing this to the attention of Mayor and Council.

George Boston Rhynes, 5004 Oak Drive, stated that he has been before Council on several occasions on behalf of local citizens. On May 22, 2008, he stood before Council on behalf of the mother and sister of a deceased inmate from Miami, Florida who allegedly died in the jail from suicide. Mr. Rhynes had asked if any of the Council knew his name or what type of investigation was going on if any but he has received no response to give back to the family. Mr. Rhynes stated that several weeks ago he was contacted by residents living in the Valdosta Hudson Docket housing area because the Housing Authority had not resolved their problem. Mr. Rhynes took some pictures of the conditions in the Hudson Docket area. There were dangerous sliding boards, broken glass, splinters on the playground equipment, rusty guard rails, dangerous clothes wire hanging from poles for children to run into, garbage dumpsters without doors or tops, flies around the garbage area where the children play, trash left outside an apartment for the children to play in, unpainted parking spaces including the handicap space not clearly identified, and glass beneath the equipment. There was one little girl who had a cut hand from playing in the glass in that area. They also have bats in the attic of many of the apartments which come out after dark. The bat droppings are coming down through the vents and falling down in the bathroom which the residents have to clean up. There are also senior citizens who have to pay \$325 to get their new apartment painted when they move out. One resident said she has lived there for 25 years and her apartment has never been painted but she still has to pay the \$325 and they take \$25 out of her check every month. Mr. Rhynes stated that when he went to Hudson Docket with his camera someone started resolving the situation. The residents told Mr. Rhynes that sand was dumped in the playground, broken swings were fixed, splinters and pieces of plywood that were hanging up were fixed, and debris was removed from the area. Mr. Rhynes stated that he was not doing this for himself but for the people who had called him. If there were dogs or cats living in inhumane conditions the people of this community would do something about it. When he saw the young lady with a cut hand whose mother could not afford to take her to the doctor and found out that they have been living in the apartment since July 9 without electricity, Mr. Rhynes

wondered how many other people were having problems like that. Some of the residents have sheets and blankets on the windows. Mr. Rhynes inquired as to who was responsible for the people living in public housing and stated that he could not just sit back and do nothing. It is like the 19-25 inmates who have died in the Lowndes County jail and nothing is being done. Mr. Rhynes stated that one day somebody would look into the things that are happening in this community. Mayor Fretti inquired as to whether Mr. Rhynes had presented this to the Housing Authority. Mr. Rhynes stated that he had not discussed this with the Housing Authority because Mark Stalvey, Executive Director of the Housing Authority, was out town and would not be back until July 31, 2008<sup>1</sup>; however, when he started taking pictures, someone at the Housing Authority began working on the problems. He had even gone to Joyce Evans about the problems. The residents will call the Housing Authority and nothing happens. The elderly residents are talked to like little children when they go to the Housing Authority. Mr. Rhynes stated that he was addressing Council on behalf of those people who had called him and asked for Council's consideration in helping the residents.

## ORDINANCES AND RESOLUTIONS

### ORDINANCE NO. 2008-34, AN ORDINANCE FOR PANHANDLING/SOLICITATION

Consideration of Panhandling/Solicitation Ordinance. (Second Reading)

George Talley, City Attorney, stated that this was the second reading for the Panhandling/Solicitation Ordinance. The Ordinance will amend Section (c), Prohibited Conduct, and it will be unlawful to aggressively solicit within the City and the Commercial and Tourism Corridor and on private property if the owner has not given permission. It will also be unlawful to solicit within 30 feet of any automated teller machine without the consent of the owner or other person legally in possession of the machine, within 30 feet of a line of pedestrians waiting to obtain access to a building or event, within 30 feet of the area of an outdoor approved area, within 30 feet of any pay telephone on public property, within 30 feet of an entrance to a building or the entrance to a parking lot, on a public right of way designed for vehicular traffic including medians, between the hours of 8:00 p.m. and 8:00 a.m., and in a false or misleading manner. Larry Hanson, City Manager, stated that there are some people in the community that would like for panhandling to be prohibited everywhere but that is not possible because under the First Amendment there are certain protected rights and freedom of speech is one of those. The government can only regulate such behavior as to the time, manner, and place. This Ordinance regulates protected speech so that everyone is aware of where it can be done, how it can be done, and what time it can be done. The Ordinance was based on a review of ordinances from Atlanta, Ft. Lauderdale, and several other cities and will give our Police Officers more tools to help those who need it and to protect citizens against certain behavior. Councilman Vickers inquired as to whether they had looked into what the Supreme Court had upheld. George Talley, City Attorney, stated that they had looked at those cases as well as ordinances from other cities and felt that this Ordinance is reasonable under the Supreme Court guidelines. Councilman Carroll inquired as to whether the Commercial and Tourism Corridor should be noted as the Hospitality District boundaries. George Talley stated that the general description would be added into the ordinance. Larry Hanson stated that we would be using the same map but they each have a different title. For the purposes of the Conference Center and Tourism Authority, it is called a Hospitality District and for the Panhandling Ordinance it is called the Commercial and Tourism Corridor; however, what is important is that the map is identical and the boundary is defined.

**A MOTION** by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2008-34, an Ordinance for Panhandling/Solicitation, the complete text of which will be found in Ordinance Book XI.

### ORDINANCE NO. 2008-35, AN ORDINANCE TO AMEND THE SIGN REGULATIONS ORDINANCE

Consideration of an amendment to the Sign Regulations Ordinance.

George Talley, City Attorney, stated that it was recently discovered that the State Legislature has now prohibited local governments to regulate the time that political signs can be up and the number of signs that can be located on private property. This ordinance amends Section 8-4.2 Exempt Signs, Item (n) Political Signs, for compliance with the new law. Councilman Eunice inquired as to whether anyone had challenged the new law. George Talley stated that no one has challenged the new law and in his opinion, it violates the freedom of

speech. Larry Hanson, City Manager, stated that the new law is counter to uniformity because one particular type of sign is unregulated and others are. Mayor Fretti that now the political signs can stay up on private property all year long and there is no limit to the number of signs in a yard. The City of Valdosta will have to follow this because it is a State law and the recent challenge to the Supreme Court by a Councilman in north Georgia. The Councilman was asked to remove his sign and he challenged that because he said it was content based and he won the challenge. Larry Hanson stated that Anne-Marie Wolff, Planning and Zoning Administrator, would be sending a letter to all current candidates and in the future, once qualifying periods are over, to all candidates who are seeking office so that they will know what the regulations are and that the City will be policing the public rights-of ways to ensure that the signs are not placed there. The letter will also advise them that while they do have these new legalities, it does state that they must have permission to have a sign on private property on an on-going basis. Councilman Eunice stated that now candidates can put signs up even before qualifying and they never have to take them down. Councilman Head stated that this will make the City look bad now that the candidates are not required to take them down. Larry Hanson stated that the City Marshals are constantly picking up signs. Councilman Vickers stated that if the City Marshals made a phone call to the candidate then most of them would remove the signs. Councilman Head stated that there was a large campaign sign strapped to the pole at the Martin Luther King, Jr. monument and some other signs at the base which looked very bad. Councilman Vickers stated that he removed the large sign from the pole and several other signs from the area.

A **MOTION** was made by Councilman Wright to adopt an Ordinance amending the Sign Regulations Ordinance. Councilman Head seconded the motion. Councilman Carroll stated that Council was adopting the Ordinance reluctantly. The motion was unanimously adopted (6-0) to enact Ordinance No. 2008-35, the complete text of which will be found in Ordinance Book XI.

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

Consideration of bids for a Cannon Printer/Scanner for the Engineering Department (Bid No. 1-08-09).

Larry Hanson, City Manager, stated that the Engineering Department needs to replace their large printer which is used for printing plans, maps, and other large items. Funds are available in SPLOST for this purchase. Sealed bids were received on July 15, 2008 with the low bid submitted by Ashley's Digital Business Solutions in the amount of \$15,895 and \$1,188 for the service plan for a total cost of \$17,083. The yearly maintenance contract cost was requested in the bid package and is much cheaper from Ashley's Digital Business Solutions on a yearly basis even though the initial cost of the machine is a little higher. Larry Hanson recommended that Council approve the low bid of Ashley's Digital Business Solutions in the amount of \$15,895 for the initial cost and \$1,188 for the first year service contract totaling \$17,083. Councilman Carroll inquired as to whether the amount for the service plan would remain the same after the first year of service. Larry Hanson stated that the service contract is often based on the number of copies that have been run and if you exceed a certain number in the plan then there would be additional charges.

A **MOTION** by Councilman Head, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve the low bid of Ashley's Digital Business Solutions in the amount of \$15,895 for the initial cost and \$1,188 for the first year service contract totaling \$17,083 and allow the Engineering Department to proceed with the purchase of a Cannon Printer/Scanner.

Consideration of an agreement with the Parks and Recreation Authority to provide specified services from July 1, 2008 through December 31, 2008.

Larry Hanson, City Manager, stated that the Parks and Recreation Authority met at 4:30 p.m. today and they have not yet selected an attorney due to the large amount of interest in that position. The Authority will appoint a committee to narrow down ten applicants to three and the interview those three applicants. A recommendation will then be made to the Authority by the committee. The Authority asked that this be postponed until such time that they have an attorney to review the agreement. George Talley, City Attorney, stated that the agreement specifies all of the services that are currently being provided. The County also had this on their agenda to gift properties and took no action on that. Mayor Fretti stated that postponements are usually date specific and the Authority may not be ready by the first Council meeting in August; however, the request could be tabled until the City Attorney recommends that it be brought back off the table.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to place the agreement with the Parks and Recreation Authority to provide specified services from July 1, 2008 through December 31, 2008 on the table until such time it can be removed from the table by the City Manager or City Attorney.

### **LOCAL FUNDING AND REQUESTS**

Consideration of a request to apply for grant funds with the U. S. Department of Housing and Urban Development's Economic Development Initiative for Special Projects for the Martin Luther King, Jr. Corridor Project.

Mara Register, Assistant to the City Manager, stated that the City of Valdosta received a special appropriations award in the amount of \$250,000 through the U. S. Congress with the assistance of Congressman Jack Kingston's office and the rest of the Congressional delegation for improvements to the Martin Luther King, Jr. Corridor Project. In order to access these funds, the Grant Administrator will submit a Standard Form (SF424) to draw down these Federal funds. Mara Register recommended that Council approve the request to apply for grant funds with the U. S. Department of Housing and Urban Development's Economic Development Initiative for Special Projects for the Martin Luther King, Jr. Corridor Project.

A **MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to allow Staff to execute the SF424 for the draw down of funds with the U. S. Department of Housing and Urban Development's Economic Development Initiative for Special Projects for the Martin Luther King, Jr. Corridor Project.

Consideration of a request to approve sponsorship of a table at the Alapaha Area Council of the Boy Scouts of America Banquet.

Larry Hanson, City Manager, stated that the Alapaha Area Council of the Boy Scouts of America Banquet will be held on August 21, 2008 and they will be honoring Dr. Ronald Zaccari who has contributed a great deal to the community. Tables of eight are available for \$1,200 and additional seats are \$150. Larry Hanson recommended that Council approve the request to sponsor a table at the Alapaha Area Council of the Boy Scouts of America Banquet.

A **MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (6-0) to purchase a table at the Alapaha Area Council of the Boy Scouts of America Banquet.

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

Larry Hanson, City Manager, stated that the CALEA Meeting, which is the international accreditation for the Police Department, is being held this week in Ft. Lauderdale, Florida. On Saturday, July 26, 2008, the Valdosta Police Department will have their accreditation hearing and expect to be reaccredited and awarded Flagship status. The Valdosta Police Department will become the first agency ever to have been awarded Flagship status twice by CALEA. Mayor Fretti inquired as to whether the City Manager would have to testify. Larry Hanson stated that there has to be an administrative representative of the government to sit on a panel during the hearings. The panel consists of the Accreditation Officer, the Police Chief, and the City Manager, and/or Mayor. The judges will then ask questions such as the type of incentive and education programs for Police Officers and the support of the elected officials. Our Police Department is 1 of 575 in the country and 34 in the State of Georgia to be up for accreditation.

There will be a Land Development Regulations Update Meeting on August 4, 2008 from 11:30 a.m. until 2:30 p.m. in the Multi-Purpose Room at the City Hall Annex Building. Anne-Marie Wolff, Planning and Zoning Administrator, will continue to conduct outreach meetings with different constituency groups to ensure that citizens in the community are aware of these new regulations prior to adoption by Council.

Larry Hanson, City Manager, stated that several weeks ago the City received a letter and telephone call from the CSX railroad and the Georgia Department of Transportation and then met with them to discuss the railroad crossing at Floyd Street. The Federal government has placed some mandates on railroads in the country to close some of the most dangerous crossings. The Floyd Street crossing was on the 25 most dangerous locations. The railroad has offered some incentives if the City of Valdosta will close that crossing. The City Attorney has done some research on the powers the railroad has to close a crossing and if the City chose not to cooperate then the railroad would go through a formal process and ultimately be able to close the crossing. One of the issues of the Floyd Street crossing is that there is a crossing approximately 1,500 feet on either side of this crossing so there are already two available crossings for the residents in that area. The traffic counts on that particular section of road are not very high. The railroad has offered the City \$7,500 to close the crossing and the Georgia Department of Transportation will match that. The money is intended to be used for beautifying the area so the closing does not detract from the neighborhood. Councilman Vickers has visited with the residents of that area and there was no strong opposition to closing the crossing. A meeting will be set up to negotiate a deal with the railroad to make sure that the crossing is closed in such a way that it can remain a pedestrian crossing. If the City chose not to close the crossing then the railroad could put the burden of placing crossing gates on the City which would cost approximately \$250,000.

Larry Hanson, City Manager, stated that a Request for Proposal was sent out several months ago to seek some use of the Waterworks Building located next to the Fire Station and Municipal Court facilities. Three submittals were received and a committee will need to be appointed to review the proposals and provide a recommendation to Mayor and Council. One Council member will need to serve on the committee along with Mara Register, Assistant to the City Manager, Jan Harris, Main Street Director, Ruby Riesinger, Economic Development Coordinator, and Suzanne Barnett, Valdosta State University. Councilman Head volunteered to serve on the committee. Mayor Fretti appointed Councilman Head to the selection committee.

## **COUNCIL COMMENTS**

Councilman Vickers stated that the new Land Development Regulations do not adequately address the problems regarding the Historical District boundary lines in some of the neighborhoods north of the Fairview District. The lines need to be withdrawn because that area has deteriorated more since 1987 when the boundaries were established because the residents do not have the income to update the homes. Larry Hanson stated that he would meet with Councilman Vickers and Anne-Marie Wolff, Planning and Zoning Administrator, because all of the properties will be given a designation of contributing or non-contributing. If it is non-contributing then it will not fall under the same regulations as those that are contributing. Councilman Head stated that there are some homes in the area that do not have an historical significance and the designation should address that. Larry Hanson stated that one of the new criteria is the financial feasibility of the rehabilitation and that can be taken into consideration. The new regulations should protect those homes that are truly historic and not burden those they do not contribute to the district.

Councilman Head stated that the Boys and Girls Club had a groundbreaking ceremony and they had previously asked the City for some funds to partner with them. Larry Hanson stated that the City has \$3 million in SPLOST funds to participate in that project and the City Attorney has been working on a contract which will be brought before Council for approval. Councilman Head also noted that the 13<sup>th</sup> Annual 100 Black Men Bar-B-Que Cook-off will be held on August 2, 2008 at the Courthouse square and invited Council to attend. There will be approximately 20 contestants and the judging will take place at noon. Entertainment will also be provided.

Councilman Payton inquired as to whether the City had any influence over the Housing Authority to address the concerns that were shared with Council by Mr. Rhynes. Larry Hanson stated that the City does not have any authority over the Housing Authority but could have some influence and he would follow up with them. Councilman Head stated that Ora Lee West was in his district and Hudson Docket was in Councilman Wright's district but he would be doing a walk through of Hudson Docket. Larry Hanson stated that part of the problem is that Housing Authorities across the country have had cut backs in Federal funding and it has been a tough environment for them. Councilman Payton also thanked Mayor Pro Tem Head and Councilman Eunice for meeting with him and the Johnson Control representatives on July 17, 2008 and thanked Larry Hanson for scheduling a meeting with the Johnson Controls representatives on Monday, July 28, 2008.

Councilman Wright stated that he had previously done some work in the Housing Authority areas and the biggest part of the problem is the residents. Larry Hanson stated that the condition of the playground equipment is a liability and if nothing else it should be removed because it is dangerous. Councilman Head stated that he has worked with the Advocacy Group in Ora Lee West and that has been effective so Hudson Docket may have a similar group that could work on some of the issues.

Mayor Fretti stated that we are in the midst of a major component of ESPN Titledown designation which is Internet voting. There are links on the front pages of every agency and government in the area including the Georgia Chamber of Commerce, the Valdosta-Lowndes County Chamber of Commerce, and the City and County governments. The Governor of Georgia has issued a proclamation and Lt. Governor Casey Cagle has been on the radio in Atlanta asking people to vote on the website. This is a nice source of pride for our community.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

**A MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the July 24, 2008 meeting of the Valdosta City Council at 6:38 p.m. to meet again in regular session on Thursday, August 7, 2008.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta