

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JULY 5, 2012
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor Pro Tem Alvin Payton, Jr. called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., and Robert Yost. Mayor John Gayle, Councilwoman Deidra White, and Councilman James Wright were absent. Tim Tanner, Attorney with Coleman-Talley Law firm, filled in for George Talley, City Attorney, who was also absent. The invocation was given by Reverend Martin Collins, Associate Pastor of Southland Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE JULY, 2012 EMPLOYEE OF THE MONTH AWARD

Police Chief Frank Simons presented the July, 2012 Employee of the Month Award (June Gartman, Police Department).

June Gartman began her employment with the City of Valdosta Police Department on November 12, 2001 as a Patrol Officer. On December 14, 2009, Officer Gartman transferred to Support Services Bureau as a Truancy Officer which is the position she currently holds. Her duties include a variety of law enforcement tasks such as conducting preliminary investigative activities within the Valdosta City School system when a crime has occurred, providing Officer presence and protection for students, school staff, and visitors to various City Schools, acting as a resource with respect to delinquency problems in the Valdosta City School system, providing mentoring and counseling to students within the Valdosta City School system, serving as a role model for students, coordinating with parents, teachers, and school administrative staff on preventing truancy among Valdosta City School students, and providing guidance on the Official Code of Georgia Annotated to school officials. In March 5, 2012, Officer Gartman was traveling on Bemiss Road when she noticed a vehicle where the driver was obviously in trouble. The vehicle operator almost fainted and was slumped over the steering wheel. Officer Gartman used the siren of her police vehicle to help revive the driver who then steered her vehicle to the side of the road without causing any injury or property damage to herself or others. Once stopped, Officer Gartman made contact with the driver and summoned an ambulance to provide medical assistance. It was learned that the driver had taken medication without eating thus causing a serious medical condition. After the driver was transported to the hospital, Officer Gartman called the driver's sister who was in Nashville at the time. Officer Gartman stayed with the vehicle and provided security for the vehicle and its contents until the sister arrived to retrieve the vehicle. Officer Gartman's quick thinking and decisive action prevented the driver from being involved in a more serious situation. Officer Gartman went as far as checking on the condition of the driver at the hospital after the incident was completed. For these reasons and many others, the Employee Relations Committee nominates June Gartman as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the June 21, 2012 Regular Meeting were approved by unanimous consent (4-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2012-15, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone two adjacent parcels of land (Parcel 1 - 1.397 acres) from Wholesale Light Industrial (M-1) to Office-Professional (O-P) and (Parcel 2 - 0.316 acres) from Single-Family Residential (R-6) to Office-Professional (O-P) as requested by Iglesia de Dios La Ultima Llamada (File No. VA-2012-08). The property is located at 605 North Forrest Street. The Greater Lowndes Planning Commission reviewed this request at their regular June meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Iglesia de Dios La Ultima Llamada is requesting to rezone two adjacent parcels of land (one parcel being 1.397 acres) from Wholesale Light Industrial (M-1) to Office-Professional (O-P), and the second parcel (0.316) acres from Single-Family Residential (R-6) to Office-Professional (O-P). Both parcels together total 1.713 acres. The property is located at 605 North Forrest Street which is along the east side of the road immediately south of the former Crackin Good bakery. The smaller parcel along North Forrest Street is currently developed with a small building (1,370 square feet) that was formerly used as daycare center (converted residence). The larger parcel to the rear is a vacant lot. The applicant is proposing to purchase the property and redevelop it as a church. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of O-P zoning. The property formerly contained a daycare center which received Special Exception approval from the City Council in 2001 (File No. VA-2001-36). The daycare center later ceased operations and the property was foreclosed approximately two years ago. The applicant is proposing to purchase the property and use it as a small church (existing congregation of 20 members). No expansion or exterior changes are proposed for the existing small building on the western parcel. The applicant is proposing to add a partially paved parking area with one-way drives near the center of the property. For the foreseeable future, the remainder of the property will be held in reserve for possible future buildings and/or redevelopment. The proposed parking area will have to comply with the City's current development regulations, and any future development on the property will have to comply with applicable regulations at the time of permitting. This area of North Forrest Street is dominated by the former Crackin Good bakery site (industrial use) and other non-residential uses nearby. There is an existing daycare center to the west across North Forrest Street, and some single-family uses to the southwest. The zoning pattern of the area shows a sharp contrast between the existing M-1 and R-6 areas, with O-P zoning across the street and R-P zoning nearby. Therefore, rezoning this property to O-P will serve as a transition and appropriate separation of the residential neighborhood to the south and the industrial property to the north. Furthermore, a proposed institutional use such as a church will also help to further this transition and it will fit very appropriately within this designated Neighborhood Activity Center character area of the Comprehensive Plan. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their June 25, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote). Councilman Carroll inquired as to whether there was any landscape buffering that was required due to the down zoning from O-P abutting the M-1. Matt Martin stated that between O-P and M-1 there is not but there would be a buffer requirement between O-P and R-6 to the south. The applicant is aware of that and it becomes more of a site development issue that they will deal with later.

Clayton Milligan, Lovell Engineering, 3998 Inner Perimeter Road, spoke in favor of the request. Mr. Milligan stated that they prepared the rezoning packet for the applicant and he would be glad to answer any questions of Council.

No one spoke in opposition to the request.

A MOTION by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (4-0) to enact Ordinance No. 2012-15, an Ordinance to rezone two adjacent parcels of land (Parcel 1 - 1.397 acres) from Wholesale Light Industrial (M-1) to Office-Professional (O-P) and (Parcel 2 - 0.316 acres) from Single-Family Residential (R-6) to Office-Professional (O-P) as requested by Iglesia de Dios La Ultima Llamada, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2012-16, AN ORDINANCE TO ADOPT THE WATER AND WASTEWATER RATE SUFFICIENCY STUDY

Consideration of an Ordinance to adopt the Water and Wastewater Rate Sufficiency Study that includes proposed changes in the City of Valdosta's water and sewer rates. (Second Reading)

Henry Hicks, Utilities Director, stated that over the past several years it has been the City's policy to raise consumption rates approximately 5% each July 1st of the new fiscal year. Due to increased operating costs, a capital extensive replacement and rehabilitation program for infrastructure, GEFA loan repayments, and minimal

growth in customer base, the Utilities Department contracted with Professional Management Resources Group to perform a Rate Sufficiency Study. This Study was completed in April, 2012 and recommendations were presented to the Mayor and Council for consideration. Guidelines for the study included the following: (1) All rates must be fair and equitable across all customers' classes (residential and commercial), (2) A Lifeline Rate was required for basic residential needs, (3) Increases would be phased in over five years to prevent rate shock, (4) The City had to recover sufficient revenues to meet current needs as well as needs in future years of the planning period, (5) Rates would have to remain competitive with other peer communities, and (6) Continued utilization of SPLOST funding to offset additional increases in rates. If SPLOST funds are not utilized then available rates would have to increase at least another 37%. Henry Hicks recommended that Council approve the Ordinance to adopt the Water and Wastewater Rate Sufficiency Study which includes proposed changes in the City of Valdosta's water and sewer rates.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (4-0) to enact Ordinance No. 2012-16, an Ordinance to adopt the Water and Wastewater Rate Sufficiency Study which includes proposed changes in the City of Valdosta's water and sewer rates, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2012-11, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S U. S. FIRE ADMINISTRATION TO FUND EXPANSION OF THE FIRE OPERATIONS AND FIREFIGHTER SAFETY PROGRAM

Consideration of a Resolution authorizing the filing of an application with the Federal Emergency Management Agency's U. S. Fire Administration to fund expansion of the Fire Operations and Firefighter Safety Program.

Fire Chief J. D. Rice stated that the City of Valdosta has received funding under 2003, 2004, and 2006 Assistance to Firefighters Grant cycles. The 2003 and 2004 funding provided for exercise equipment to assist Firefighters with a wellness and fitness program that has enhanced their fitness and health levels and improved their physical endurance in responding to fire incidents. The 2006 funding allowed the City to purchase 40 Integrated Personal Alert Safety System (PASS) device upgrades for self-contained breathing apparatus, 2 rapid intervention team (RIT) bags, and computers, printers, and supporting software to comply with the National Fire Incident Reporting System (NFIRS). The City is requesting 2012 grant funds up to \$312,229 in the personal protective equipment category to purchase 55 Self Contained Breathing Apparatus (SCBA) with mask and cylinder plus one extra cylinder per unit to allow total interoperability with our SCBA inventory, and compliance with National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) 2007 standards and mandates for all our first responders. This grant requires a 20% match (\$62,445.80) from local sources and the match will come from the Fire Department's budget. Chief Rice recommended that Council approve the Resolution authorizing the filing of an application with the Federal Emergency Management Agency's U. S. Fire Administration to fund expansion of the Fire Operations and Firefighter Safety Program.

A MOTION by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (4-0) to enact Resolution No. 2012-11, a Resolution authorizing the filing of an application with the Federal Emergency Management Agency's U. S. Fire Administration to fund expansion of the Fire Operations and Firefighter Safety Program, the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2012-12, A RESOLUTION TO SUSPEND THE COMMUNITY IMPROVEMENT DISTRICT (CID) TAX LEVY

Consideration of a Resolution to suspend the Community Improvement District (CID) tax levy.

Mara Register, Assistant to the City Manager, stated that on June 22, 2000 the City Council adopted Resolution No. 2000-11 consenting to the creation of the Downtown Community Improvement District (CID). This Special Tax District, which implemented a 10 mill property tax levy on income producing property in the CID area, was created in order to repay an \$800,000 bond that was issued representing the Downtown property owners' contribution to the Streetscape Project. The original term of the CID and the bond repayment was for 20 years

commencing in 2000 and ending in 2020. Due to the significant private re-investment that has occurred in the CID area as a result of the successful completion of the Streetscape Project, the millage was decreased to 5 mills in 2008 and the bond was paid in full on June 15, 2012. This represents an early repayment of approximately eight years. A Resolution is necessary in order to suspend the remaining 5 mill levy for the CID but retains the existing 5 mill levy relating to the Business Improvement District (BID) tax that was implemented in 1974 as part of the Constitutional Amendment creating the Central Valdosta Development Authority. A notice will be sent to the media tomorrow regarding a special meeting of the CID Board which will be held on Tuesday afternoon immediately following the CVDA Meeting to also suspend the levy. Mara Register recommended that Council approve the Resolution to suspend the Community Improvement District (CID) tax levy. Councilman Vickers inquired as to why they were asking to suspend the tax levy. Mara Register stated that they were asking for suspension of the levy and not the disbanding of the District because there are outstanding prior year property taxes due to the Tax Commissioner that are still uncollected but are being collected. The City Attorney has advised that they do not want to disband the District so that those collections can still come in and that they suspend the billing of the levy. Councilman Vickers inquired as to whether the back taxes would be used in the Downtown area. Mara Register stated that was correct. The City Attorney conducted an analysis of what the Constitution says regarding the establishment of CIDs. It appears that there will be approximately \$5,000 in additional taxes to be collected and the City Attorney has instructed them that it can only be used toward the same thing that the original project was established for and that was streetscape.

A MOTION by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (4-0) to enact Resolution No. 2012-12, a Resolution to suspend the Community Improvement District (CID) tax levy, the complete text of which will be found in Resolution Book V.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that are working to establish the Fair Housing Committee and each Council member has been asked to submit one name to serve on the Committee by Wednesday, July 11, 2012. Councilman Norton has already submitted a name. The entire structure of the 14-person Committee will then be brought before Mayor and Council so that the appointed Committee can begin work on this effort.

There will be a Special Called Work Session on Wednesday, July 10, 2012 at 5:00 p.m. in the Council Chambers to discuss SPLOST VII projects.

Larry Hanson thanked the Council members who went on a tour of the mixed use development in Savannah recently. This was a real success story and it is an exciting opportunity for us. We will proceed by working with the Valdosta Housing Authority.

The Publix development on Inner Perimeter Road is on-going. The footings were poured last week even though the weather has slowed some things down. The contractor has mobilized and they are looking at a first quarter 2013 opening date or perhaps a littler earlier. Also, the Twin Street Intersection Project will start on July 16, 2012.

There is a lot of activity going on in the Utilities Department. The Mud Creek Project is now complete, as well as the Ponderosa, Big Country, East Wind, and Mack Drive Lift Station Projects. The Well No. 7 Re-development is complete and there was no influence of the surface water. It is important to have all of the City's wells working properly now that temperatures are high and people are using more water. Council has authorized Henry Hicks, Utilities Director, to proceed with adding a couple of additional wells. The Savannah/Fry Street Elevated Storage Tank Project is on schedule and the concrete work is done. The steel work will be the next phase. Henry Hicks will be bringing to Council design bids for four additional lift station replacements, as well as a list of the next 30 manholes to be rehabilitated for bidding.

The Valdosta Police Department (VPD) has received some good news on their clearance rates on crimes. For the first six months of this year, the clearance rates were as follows: (1) Aggravated assault – VPD was 81% and the national average was 56%, (2) Vehicle theft - VPD was 43% and the national average was 11%, (3) Burglary - VPD was 35% and the national average was 12%, (4) Murder – VPD was 100% and the national average

was 64%, (5) Rape – VPD was 93% and national average was 40%, and (6) Robbery – VPD was 68% and the national average was 26%. The Police Department is doing an exceptional job in solving crimes.

Larry Hanson, City Manager, stated that the Southern Hospitality Group Workcamp came to a close and several Council members had an opportunity to go see some of the work and attend the closing ceremony. There were several comments from the homeowners who felt truly honored and blessed to have met these great young people who helped them with their home improvements. The campers were also very thankful to have had an opportunity to participate in this life changing event. There is so much work that goes into the planning that makes this run smoothly and we owe a debt of gratitude to all the City employees who work behind the scenes to organize this event.

COUNCIL COMMENTS

Councilman Vickers inquired about the status of the West Hill Overpass Project. Larry Hanson, City Manager, stated that the Georgia Department of Transportation (DOT) should be starting work by late summer or early fall of 2012. He has asked the DOT to give us a 30-day notice so that we can notify the citizens and school systems since it is a State route. They have completed the right-of-way acquisitions and a lot of the demo work is completed. Councilman Vickers inquired as to whether the Gibson-McDonald building was acquired by the DOT. Larry Hanson stated that the DOT did acquire it but was not certain as to whether it would be torn down.

Councilman Carroll stated that the new Executive Director for the Valdosta-Lowndes County Conference & Tourism Authority, Tim Riddle, will begin work next week.

Councilman Yost thanked all of the businesses in the Downtown area who took on the tax many years ago, stuck with it through good times and bad, and then retired the debt eight years early. Councilman Vickers stated that former Mayor Jimmy Rainwater spearheaded that project and one of the things he had said was that you could not let the heart of your town die. Mayor Rainwater and the Council members at that time received a lot of criticism about the investment in the Downtown area; however, in hindsight that was the right thing to do.

Mayor Pro Tem Payton stated that he would not be able to attend the Special Called Work Session next Wednesday due to him being out of town; however, he would provide the City Manager with his requests before he left.

CITIZENS TO BE HEARD

Roy Taylor, 2209 Bridlewood Drive, stated that he wanted to discuss freedom of speech. He has three citizens who have been denied that right by one of the City employees. He had called the City Manager when he started putting up the "Vote No for T-SPLOST" signs in order ensure the signs were not placed on City property. Mr. Taylor stated that he left his business one day and there were approximately eight signs that had been taken within 30 minutes. These people have been denied the freedom of speech. Mr. Taylor stated that he called Mike Martin, Director of Community Development, to find out if his crew had picked them up. Mr. Martin told him that they had picked them up. They had gone on Mr. Taylor's property to pick up three or four signs and the others were on City property. Mr. Taylor stated that he has an argument with them coming onto his property without proper authorization. Nazi Germany started years ago and there were 6 million Jews killed in that war along with many Americans so to him the freedom of speech is one of the most important things we have in this country. Mr. Taylor asked Mike Martin to put the signs back like he found them and he refused. Mr. Taylor stated that after he spoke with the City Manager, Mike Martin did bring the signs back out to his house but he began to holler and threw the signs down on the ground as Mr. Taylor's wife looked on. Mr. Taylor asked that this not happen again because if it does someone will not walk away when they leave his property. They do not need to come onto his property without a warrant. The City employee who did that was taking orders from a higher authority than him. There are plenty of people out there with signs on the City's right-of-way and nothing has been done about those. Mr. Taylor asked that they not mess with his freedom of speech again. He charged the City Council to do their job and if they couldn't then they would elect someone who could.

Nolen Cox, 1009 Cherry Creek Drive, stated that he wanted to address the Council on T-SPLOST. He has been resisting this tax for over a year and he has compiled some figures on the total project cost for our County which is \$190 million. This is money that the Regional Roundtable has allocated to the 14 projects in our County that will be built over the next ten years. There is \$129 million committed by the Regional Roundtable to our City and County for the \$190 million in projects. That leaves us \$61 million short for the funding for our projects. What is so tragic about this is that we are going to be paying \$25 million a year on this tax. At the end of the first three years, we will have paid in \$75.6 million and we will get back \$4 million. In the next build out period, years 4, 5, 6, and 7, we will get back \$26 million and we will have paid in \$176 million. Mr. Cox stated that the Chamber and the Mayor are sold on this because of jobs and economic development. If you look at our projects, 76% of these projects come in years 8, 9, and 10. If you can wait eight years for a job and economic development then you do not need one. Someone that needs a job needs one now. Someone who is looking for economic development is not going to wait eight years to get started on it. Mr. Cox stated that the bad deal is even worse than he realized and he wanted to point it out to the Council. He encouraged Council to use these figures, which came off the DOT website, to try and stop this foolishness at election time. Councilman Vickers stated that the people who the T-Party pushed and put in Atlanta are the people who passed this. They did not have the guts to add this tax to the gas tax which is how it should have been handled. They are elected officials that the T-Party put into office and it appears that the T-Party is now coming to him to defeat something they backed and put into office. The argument that they are putting on Council's shoulder should have been put on the State people in Atlanta. Mr. Cox stated that all four of the elected representatives who represent part of this County voted for this and support this. This was a State legislative issue driven by the State Chamber of Commerce. Our local Chamber of Commerce promotes it and the Mayor promotes it. He would like for the City to understand the facts that he has presented. He is not blaming anybody and the T-Party did not put a sole person up there in office. The Republicans' and the T-Party's biggest mission is to get rid of the liberal Republicans. Councilman Vickers stated that the T-Party got them to sign a pledge that they would not raise taxes. Mr. Cox stated that the National Taxpayers Union got the pledges signed by 42 State Representatives and the Governor. The T-Party did not do any of that.

Ken Klanicki, 2208 Jerry Jones Drive, stated that one of the speakers who came to the microphone tonight made a statement that the City is acting like Nazi Germany and he would not subscribe to any statement akin to that. If the German Gestapo had come to see Mr. Taylor in 1934, he would have been spirited off and we would have never seen him again. Mr. Klanicki stated that he is proud of this Council and if the City Marshal sees signs that are on City property then it is his job to remove them. They have been doing that in good faith.

ADJOURNMENT

Mayor Pro Tem Payton entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (4-0) to adjourn the July 5, 2012 meeting of the Valdosta City Council at 6:15 p.m. to meet again in regular session on Thursday, July 19, 2012.

City Clerk, City of Valdosta

Mayor, City of Valdosta