

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, AUGUST 19, 2010**  
**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., Deidra White, Robert Yost, and James Wright. The invocation was given by Councilman Alvin Payton, Jr., followed by the Pledge of Allegiance to the American Flag.

**ELECTION AND OATH OF OFFICE FOR MAYOR PRO TEM**

Mayor Fretti stated that the seat and responsibilities of the Mayor Pro Tem is currently vacant and opened up nominations for Mayor Pro Tem.

Councilwoman White placed in consideration the name of Alvin Payton, Jr. for Mayor Pro Tem. There being no other nominations, Mayor Fretti closed nominations. Councilman Alvin Payton, Jr. was elected and appointed by acclamation to serve as Mayor Pro Tem.

The Honorable Richard M. Cowart, Superior Court Judge of the Southern Judicial Circuit, administered the Oath of Office for Mayor Pro Tem to Councilman Alvin Payton, Jr. A copy of the Oath of Office is on record in the permanent file of the August 19, 2010 regular meeting of the governing body.

Councilman Payton thanked the Mayor and Council members for seeing something in him that maybe he did not see himself. Councilman Payton stated that he took the position humbly and hoped that he would not let Council down. This is a team effort and he will be relying on Council members to make it successful.

**APPROVAL OF MINUTES**

The minutes of the August 5, 2010 Regular Meeting were approved by unanimous consent (6-0) of the Council.

**SPECIAL PRESENTATION ON THE 2035 VALDOSTA-LOWNDES COUNTY TRANSPORTATION PLAN**

Larry Hanson, City Manager, stated that he wanted to provide an update on the 2035 Valdosta-Lowndes County Transportation Plan. Valdosta became a metropolitan statistical area in 2004 following the 2000 Census. Being a metropolitan community, the City of Valdosta is automatically qualified for certain funding directly from the Federal government which we had to compete for prior to that. All Metropolitan Statistical Areas (MSA) in the United States are required to adopt a Transportation Plan. There are 363 MSAs in America. The Southern Georgia Regional Commission (SGRC), previously known as the South Georgia Regional Development Center (RDC), was designated by the Governor of Georgia as the Metropolitan Planning Organization (MPO) for the Valdosta and Lowndes County urbanized area. The MPO, which does transportation planning for the urbanized area, covers four counties and the urbanized area goes beyond Valdosta and Lowndes County. The Federal Highway Act of 1962 and every subsequent reauthorization since then mandates that MSAs adopt a Transportation Plan. These Federal requirements are in Title 23, Section 134 of the United States Code and require MPOs to have a cooperative, comprehensive, and continuous transportation planning process. The MPO must conduct a Federally-required transportation planning activity for the urbanized area and they are Federally-required to plan for the contiguous area that is expected to become urbanized within the next 20 years. Title 23 and the Safe Accountable Flexible Efficient Transportation Equity Act (SAFETEA-LU) require adoption of a 20-year Transportation Plan that is required to be updated every five years. SAFETEA-LU states that we must adopt but a long range and short range program with strategies and actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The Metro 2035 Transportation Plan is actually an update to the Metro 2030 Transportation Plan that was adopted in 2007. President Bush signed SAFETEA-LU into law in 2005 and that is the current Transportation Authorization Bill we are all working under. SAFETEA-LU

requires all MSAs to develop plans that provide for the consideration of projects and strategies that will meet eight specific criteria. In 2009 the Georgia Legislature passed a Transforming Transportation Investment Act which requires that there now be a State-wide Strategic Transportation Plan that must address ten factors and criteria. The proposed 2035 Transportation Plan is designed to meet a Federal and State requirement and to identify projects for future consideration. It is a flexible and fluid document required to be updated every five years, and this Plan merely updates the Plan adopted in 2007. The MPO is made up of three committees. The first layer is a Citizen's Advisory Committee and it is made up of citizens from the community. They initiate the thought process and projects. Those projects are then passed to the Transportation Coordinating Committee which consists of Engineers from the City, County, and the Georgia Department of Transportation who review the plans for feasibility. There is also a Policy Committee which consists of elected and appointed officials of the City, County, and region. Within those requirements there is a mandatory public participation process that the SGRC uses to ensure that the public has an opportunity to participate.

There are many factors that are required to be considered in the Plan. Some of those factors are: (1) existing transportation system, (2) transit (public, private, quasi-private, urban, or rural), (3) airport, (4) bicycle and pedestrian transportation, and (5) freight transportation. Other required factors include socio-economic data, growth trends (jobs current and future), population (current and future), and housing. One of the requirements of the Plan is to use population projections. The U. S. Census Bureau estimates that the population of Lowndes County will be 160,000 by 2035. We are currently at 100,000 so we have to plan projects to meet the Federal criteria that assume there will be an additional 60,000 residents of our community by the year 2035. This Plan must include all Federal, State, and local projects as well as a financial plan. When citizens go to the pump and fill up their gas tanks, they are paying taxes that they do not realize. They are paying a Federal gas tax of 18.4 cents per gallon that is dedicated for transportation and can be used for no other purpose. This tax must be allocated each year based on prior year collections. Citizens also pay a State gas tax of 7.5 cents per gallon and a fluctuating State sales tax that averages approximately 14 cents. In addition to that, the funding for transportation comes from County SPLOST and the City/County General Funds. We are prohibited by law from using SPLOST funds for general maintenance of roads. Georgia is also a donor State which means we receive only 91 cents back from each dollar that we send to Washington, D.C. in Federal gas taxes. In the 2035 Transportation Plan, capital costs over 20 years include \$249 million for Federal projects with Federal funds, \$62 million in State funds, \$65 million proposed to be from Valdosta, and \$37 million from Lowndes for a total of \$413 million. Of the \$413 million, \$311 million is Federal and State gas tax money that we are already paying when we go to the pump and \$112 million is local money from SPLOST of which 60% of that comes from people who do not live in Valdosta and Lowndes County. Approximately 75% of the funds are coming from the Federal and State gas tax only. In this Plan there is \$53 million allocated for maintaining Federal roads. For example, U. S. Highway 41 from Magnolia Street to Five Points is currently being resurfaced, which has to be done every ten years, at a cost of approximately \$1.1 million. There is \$13 million for State road maintenance, \$29 million for Valdosta, and \$140 million for Lowndes County. Valdosta spends \$1.4 million per year maintaining existing roads and cannot use SPLOST funds for general maintenance. The County spends approximately \$6-7 million a year in maintaining roads due to the fact that they have a lot more dirt roads which are more labor intensive and costly to maintain. This Plan contemplates no change in the current level of funding and the only thing used in this Plan is a 2.1% inflation factor. The SPLOST contribution is planned to be the same that it is now. In the current SPLOST, there is \$20 million over six years which plans for that same level of funding going forward. For the infrastructure, Lowndes County, outside of the City, has 1,061 road miles of which 688 miles are paved and 373 miles are unpaved roads. Depending upon use, the heavier travel routes have to be resurfaced at least every fifteen years and the more intense every ten years. There is a lot of cost in maintaining roads. The City has 328 road miles of which 326 are paved and 2 are unpaved. The City inherited those two unpaved roads when the unincorporated islands were annexed and is planning to pave those this year. The 2035 Plan contemplates continuing to maintain our roads at our current levels with no new tax or tax increase and 75% of the capital is funded by Federal and State gas tax and 25% is funded by local funds that are based on our historical costs projected forward. The maintenance costs are based on historical costs. The estimate for the local cost is based on what we think the lowest estimate will be for future SPLOST because we have seen a downturn in collections the last couple of years. This is assuming the worst case scenario in terms of collections and the same ratio as the current SPLOST. If this Plan is not adopted by the City and the County then we would forfeit the right to receive Federal and State funds. The 2010-2015 Plan calls for Exit 2 to be completely renovated at a cost of approximately \$31 million in Federal funds. They are moving all of the Interstate ramps further away from the bridge due to safety factors and a lot of the bridges, due to the age of the Interstate being constructed in the 1960's, are having to be replaced. The Jerry Jones Project will cost approximately \$10 million in

Federal funds, and the State Route 31 bridge at the Withlacoochee River is also in this Plan at a cost of \$6 million in Federal funds. From 2016-2020, the following projects will be initiated using Federal funds: (1) replacement of Exit 22 and Exit 29 - \$52 million, (2) Forrest Street - \$27 million, (3) Exit 18 - \$63 million, (4) West Hill Overpass - \$22 million, and (5) Oak Street Extension from Five Points to Breckenridge - \$9 million. All of these are Federally funded projects paid for by the gas tax. From 2021-2025, the following projects will be initiated using Federal funds: (1) Exit 11 - \$42 million, and (2) Oak Street Extension from Breckenridge to Forrest Street - \$11 million. If the City of Valdosta does not have a Plan then we cannot receive Federal and State funding which is based upon the gas tax. The Plan is through the MPO and the City and County, officially as entity, will never adopt the Plan because it is adopted by the MPO and they will be doing that very soon. The Plan is fluid and can change and will change every year. For example, in the current 2030 Transportation Plan, Highway 41 from North Valdosta Road to Hahira was to be widened but after public input the County went before the MPO and asked for that project to be removed from the Plan and it was. The Plan is hosted on the Southern Georgia Regional Commission's web site for review.

### CITIZENS TO BE HEARD

Roy E. Taylor, Sr., 2209 Bridlewood Drive, stated that Council got the cart in front of the horse and should have had the horse in front of the cart when the Plan was introduced at the Annex so that all the citizens could have had a better understanding. Mr. Taylor inquired as to whether the person that the City gave the \$49,000 was the person who drew up the 2035 Transportation Plan. He did the very best, in his educated manner, to disillusion the hard working people who do not know how to spell the word cheat, but they do. All he had to do was to put some figures in there like the City Manager did. The Congressman who had his Representative at that meeting had the citizens thinking that it was a grant. He is no longer our Congressman but represents Albany. Mr. Taylor stated that he was still highly upset that he has to spend 25% of every dollar of his money in SPLOST taxes to get 75% of the Federal dollars that he has already paid. He is upset that he had a Congressman and a President named Bush who would sign that law into effect when we are entitled to get that money back. Mr. Taylor stated that he was highly upset that they would spend money on one Exit and not come from the Airport Exit through Ashley Street which has always been the thoroughfare in Valdosta and then go out north on Highway 41 or North Valdosta Road. Not only could you see the down trodden part of Valdosta and the broken gas stations but also some of the good parts. We should not put all our money where the James H. Rainwater Conference Center is located because we paid taxes many years ago before that was built and he was for that; however, they deserve a little piece of the pie also. Mr. Taylor stated that on Fox News today, 500,000 people just signed up for unemployment for the first time in America. We already have approximately 10 million people on unemployment. The unemployment ratio in Valdosta is close to 10% even though we have been told it is 8.75% because you forget about those people who have been unemployed for so long. The State of Georgia has almost 11% unemployment according to Channel 2 news and the business people in Atlanta. Valdosta once again has 400 people who are currently losing their homes because of unemployment and cannot afford to pay their house payments on unemployment benefits. We have another 800 people being evicted from their apartments which has been a continuous thing happening for the past four or five months and it is getting worse. Of that 800, 400 of those people are little children. Mr. Taylor stated that if they could get the money back then they could go out and pave roads which would create jobs and not beautify an area and put fish ponds there for tourists and think that is going to bring them downtown. When he goes to a small community he rents a motel room, goes to a restaurant, then goes back to his room, and gets up and leaves the next day. If he was given a \$500 gift certificate for some business downtown then he would go downtown. Mr. Taylor stated that we need 100 extra Police Officers in Valdosta and the City Manager has told him that it would cost \$5 million to put 50 new Officers on the street. If the City did that then there would be 50 new jobs and you would not have to have Neighborhood Watch Associations to help law enforcement. There were four teenagers who were recently caught by a Neighborhood Watch Association. They formed one in his neighborhood because they have had 21 robberies in two years in 22 homes. They never see a Patrol Officer unless there is a crime. The citizens are willing to pay for that part of it and we should be able to tell Congress what to do with some of their money. The City of Valdosta needs jobs and it is time to quit giving people a way to be sorry and hand them something they do not deserve. We need to give them some pride to be an American. Mr. Taylor also stated that the Sign Ordinance needs to be changed because the City is trying to put people out of business on Ashley Street. The young people of this community are his heart and future and he has watched the schools waste SPLOST tax money because they have not improved education with those dollars. The parents could also do a better job to help educate their children as well as the teachers. Mr. Taylor thanked Council for listening and asked for their consideration.

George Boston Rhynes, 5004 Oak Drive, stated that he reviewed the Minutes from the July City Council Meeting and there was a statement which said that he loved coming before elected officials. Mr. Rhynes asked that the Minutes reflect that he does not like coming before the elected officials but he loves the community and the people. He would not be here tonight if it were not for the young lady at another meeting who talked about not seeing much need in coming to these meetings. Mr. Roy Taylor, who he was gaining so much respect for, talked about using local contractors instead of outside contractors which will increase the number of people who are employed and make us all feel good. Mr. Taylor spoke very eloquently that day and nothing was said in the media. Mr. Rhynes stated that he wished we had a news media that would have reported what Roy Taylor said at that meeting because it was so important. Also, the Southside Director thanked the Mayor and Council for the work they had done and for understanding the importance of our youth with the program that was implemented. Mr. Rhynes stated that he thought the citizens of Valdosta should have known that Council did that and wished we had a press that would have reported that to the general public so when Council members run for office the citizens will know what they have done; however, there is not a historical document except for the Minutes. Mr. Rhynes stated that he stood before Council and talked about the white lady whose mother called him because she had all her teeth knocked out in the jail and she still does not know to this day how she is going to get her dental work fixed. They released her on a \$3,500 bail that she did not have to pay after somebody knocked her teeth out and they just let her go home. There were two gauges on both of her legs and her mother called Mr. Rhynes and asked him to go to the hospital with her. She did not even know her daughter was in ICU. She called all the local hospitals and did not know where she was. Mr. Rhynes stated that he would not be here today if he was not concerned about the young white lady. She called him again yesterday and the strange thing about this is that when he stood before the City Council with the media present, nobody asked him how she was doing, how she was going to get her dental work repaired, and who could they contact to find out how to help this young lady. This is why he stands before City Council. It is not because he likes standing before Council but it is because he cares. This is why Mr. Taylor comes up here so often because he cares. Mr. Rhynes stated that one day maybe we can get a newspaper or television station in this City that will actually report what goes on at these meetings so when we go to the poles to vote we will know who to vote in and who to take out.

Jim Halter, resident of the City of Valdosta, stated that governments are set up to make society better and a more orderly place to live. They do so by providing rules for conduct and punishment for disobeying the rules and by providing services to the citizens. These tasks are typical of all governments. To do all these things governments must be vested with a certain degree of power. It is this power that can be most dangerous to the liberties of the people. When the framers of the Constitution of the United States met to establish a new form of government, they were very careful about the powers they gave the government. Many of the framers were political scholars and the speeches given at the convention are sprinkled with references to governments from ancient times right up to the current ones in Europe 200 years ago. The framers were concerned with a few things overall. They wanted to create a national government that was effective and powerful but did not infringe upon the rights of the individual or upon the powers of the States. The overly restrictive Sign Ordinance and Uniform Land Use Code that has come about over time in Valdosta is not what the founding fathers of our great nation tried to establish. It is what they worried about the most which is the infringement on individual liberties by big government.

Nolan Cox, 1009 Cherry Creek Drive, thanked Council for postponing the Gateway Project until September. Council is going in the right direction and he would like to see it postponed past September to at least 2015. Mr. Cox stated that he had sent the Mayor and Council some E-mails containing a lot of information about the local, national, and State economies. We are in a recession. The Valdosta tax revenues are down 30% and that means that business revenues are down. There are people out here without jobs, without business, and everyone is cutting back and it makes him feel good to see his government cut back. A Gateway Project is a beautification and is unessential. It would show wisdom and understanding on the part of Council to realize what they are dealing with just like citizens are dealing with it and that is to cut back. Mr. Cox inquired as to whether Council knew where Ray's Mill Pond is located and if they knew what their beautification project was like. There are people from all over South Georgia who drive to Ray's Mill Pond in Ray City to eat catfish. You cannot even find the place. If you went there you would have to stop and ask for directions unless someone had taken you there. They have a good product, low overhead, no sign regulations, and they draw people. What is working for Ray's Mill Pond will work for the City of Valdosta. If you cut taxes then you cut the overhead on these businesses. If they do not spend it on taxes they will spend it on advertising and quality goods which will drive the economy. You have to trust free enterprise and you cannot manage it. You have to leave it alone. We should be known as the business

capital of America because we can draw people from other states. New York and New Jersey are still asleep. They lost one million people in New York this year who went south. They went to places that do not have income taxes. Mr. Cox stated that he was originally from Louisiana and moved to Valdosta and loved it. The City did not have an Area Planning Development Committee when he moved here in 1980 and it was just fine. He travels 50,000 miles a year and when he stops it is for food, fuel, and a place to stay unless he is going somewhere shopping. It is a pipe dream to think that people are going to get off the Interstate and ride around because they saw some shrubs out there somewhere. Mr. Cox stated that the County spent \$85,000 landscaping two Exits when the Olympics was going on and inquired as to whether Council knew which two Exits were landscaped and if it had an impact on them. It is going to have the same impact that the Gateway Project is going to have. In fact, the Gateway Project is going to be worse because they do not know where the curb cuts are going to be or what the trees will block when you are trying to see where you are going. There is some downside to the Gateway Project that Council needs to think about. If Council really wanted to do it right then they should cancel the stormwater fees and City taxes if they beautify an area and then you have gotten something done. If you have a Master Planner fresh out of college or the DOT doing it then you have better than an 80% chance that it is not going to be right and you will have as much harm as you do good.

Dan Davis, 1001 Cherry Creek Drive, stated that he owns Davis Creations at 402, 404, 406, 408, and 410 Murray Road. Abraham Lincoln once said, "To sin by silence when one should protest makes cowards of men." Mr. Davis stated that he was here to protest the anti-business, job killing Sign Ordinance. He has been in business in Valdosta for 36 years and it was a lot easier to do business in Valdosta before it became a Metropolitan Status Area. He had researched the Sign Ordinance and spent \$1,100 buying an inflatable dancing man two years ago. He put it up and then all of a sudden he had problems. They told him he would have to have a permit so he went to purchase a permit and was told that he could only buy a permit for 30 days. He would then have to take it down for 30 days and come back and purchase another permit. He would have to buy six permits a year to display it. He did that for a year and then the City re-wrote the Ordinance and said that he could only put it up twice a year. He could have a banner or dancing man for 30 days the first six months of the year if he bought a \$35 permit and then again during the second half of the year if he purchased another \$35 permit. He then received a visit from the City Marshal recently who told him that he could not have it up at all and that it has been illegal since 1988 although the City sold him permits to put it up for two years. Mr. Davis stated that he has five addresses, five buildings, 200 rental units, and three signs up offering his units for rent. They told him that he only owns two parcels of property so he could only have two signs and both of the signs have to be 15 feet from the curb. If he it puts up the two signs then he cannot put up a political sign. Mr. Davis stated that the City does not need to hire consultants to write these ordinances and could consult with the retailers, merchants, businesses, and others who are affected by these ordinances in order to get feedback on what will work and what will not work. Before an ordinance is enacted, Council should ask if it is feasible and practical, and what the economic impact of the ordinance would be. Valdosta is getting a reputation as being anti-business and when you have a Uniform Land Use Code that takes a business six months to a year to open in order to meet all the requirements then you are killing these businesses. You are guaranteeing them to go out of business before they are even opened. From a small business standpoint, if a business does not have income for six months to a year then they are out of business. There are a lot of empty buildings in Valdosta and you can see the death warrants that have been assigned to small businesses in this town due to restrictions in signage and what they can and cannot do. Mr. Davis stated that what you do on your own private property within reason should be up to the business owner and not the City. Right now the only segment in industry in the United States that is growing and hiring people is the small businesses. If you keep putting them out of business then there will not be anyone to tax for all the Gateway Projects. Mr. Davis asked Council to consider what is happening to small business and to give them some relief and allow them to use some signage and banners. The City is discouraging people from opening up businesses. Car lots are not allowed to have pennant flags and he is not allowed to have a flag on his business yet our tax dollars go to buy flags for downtown. He did not understand why flags are beautiful Downtown but they are filthy and ugly everywhere else. Council needs to use common sense and let businesses run their business and bring commerce to town so that they can make some money, hire some people, and continue to pay their taxes.

Sandra McDonald, 1835 Norman Drive, stated that she was the owner Signarama and she knew the Sign Ordinance like the back of her hand and it is very difficult to deal with. There are businesses that want certain types of signs, especially when you are dealing with franchises, and when they cannot have the signs they want they go away. She spoke with a developer today who was trying to get a franchise in Valdosta and once they found out that they could not have the sign they wanted they left town. Also, you can only put up two banners per year and

you can only have them up for 30 days each. Banners are a very inexpensive way for businesses to advertise to get people into their business to spend money and put revenue back into the City. You cannot put up pennant banners which are the ones you stick in the ground and a lot of businesses want to put those up during the day or on the weekends to draw more traffic into their businesses. The square footage is limited on signs and even if you have a City block for a building it is still limited. There are a lot of limitations causing businesses not to want to come here. In the past twelve months there have been four sign businesses go out in Valdosta because the business is down so much. They are also having a problem with LED signs and the Sign Ordinance is very strict on these types of signs. Ms. McDonald stated that she had a customer in Valdosta who is a big contributor to the City and he wanted to put up a portable LED sign in the parking lot at a Southside clinic for a month. She could provide this sign on a trailer but there is no permit for that. Ms. McDonald asked Council to review the Sign Ordinance if they have not done so and look at some of the things that are hindering businesses in town.

Ricky Dollar, 4034 Barney Circle, stated that he represented Wendy's and Atlanta Bread Company and was opposed to the Sign Ordinance. It is very important to advertise because the more business they can generate the more jobs they can offer citizens. The Sign Ordinance needs to be reviewed because a small business cannot survive if they cannot advertise and put up banners.

Roger Budd, III, 5 Cherokee Circle, stated that the Larry Hanson, City Manager, contacted him today and said that he would be interested in speaking with some citizens about the Sign Ordinance. There have been a lot of changes to the Sign Ordinance in the Land Development Regulations (LDR) which is part of the anti-business regulations that were adopted under the LDR. Mr. Budd stated that he had two business operators contact him today who own buildings on Ashley Street and Bemiss Road that are over 40 years old. They are having problems with the Zoning Department and Code Enforcement due to the new LDR. They do not have enough parking but they had enough when the buildings were built 40 or 50 years ago. Nothing has changed except for the Zoning regulations and the enforcement of those regulations. They employ people in Valdosta and want to expand and grow their business but they are being stopped by the government. Mr. Budd stated that he has a motorcycle operator located at 98 Garden Drive who would like to move to Ashley Street into a bigger building that is owned by Mr. Budd in order to expand his business and employ more people but he cannot do that because motorcycle dealerships are banned under the LDR on Ashley Street. This is a building that was sitting vacant as an automobile dealership. He was told by Code Enforcement and Zoning that they could not go into an old automobile dealership because motorcycles would be a new use and that requires a \$600 Conditional Use Permit that has to be approved. Then it takes two and a half months after you buy a survey for a 60 year old building that is going to cost \$2,500 and then they want you to dig up some existing pavement and plant trees for parking lot beautification. People who are trying to operate a small motorcycle business cannot afford all of that so they just do not do it and their expansion is stopped.

Gary Aminot, 204 Tucker Road, stated that he is in the sign business and inquired about the closing of Tucker Road. They closed the bridge and his customers are cut off from getting to him from Highway 41 South. Tucker Road is a short road that runs between Madison Highway and Lake Park Highway. The bridge has been out for approximately eight months. The City did inform him the week before they closed it and told him they would keep him updated on the progress. The only way he received any updates was to call the City Manager and Von Shipman in Engineering. There are approximately 13 businesses on that street including the Sheriff's Department. It makes it hard with this bridge being closed and now they are saying that it will not be completed until June, 2011. Mr. Aminot stated that it seems like an extremely long time just to get one bridge fixed. He was not certain why they closed this bridge. Larry Hanson, City Manager, stated that in the Transportation Plan is a Tucker Road Bridge Replacement Project. The Georgia Department of Transportation (DOT) inspects bridges on an annual basis and if they determine that it is unsafe then they will close the bridge which is what happened in this case. The State is funding that Project and it has been going through the necessary planning. Once the right-of-way is acquired then the Project can proceed and the funds are available.

Pastor Anthony Bellamy, 410 Leone Street, stated that on August 9, 2010 John Golden fell victim to a fatal gunshot wound while sitting on his porch on Nardo Street in Valdosta. He has also been the victim of a violent crime and was hit by a drunk driver approximately seven years. Three years ago he had two of his family members shot in Valdosta in Ora Lee West. Citizens cannot feel like they are trapped in a box in Valdosta. As the City works to lower crime we need to think outside of the box and figure out how to find a solution for what is happening in Valdosta. The best way to do that is for everyone to work together. The Police Department

worked hard to catch the person who committed the crime on Nardo Street. We need to find a way to change things and make it better. Mr. Bellamy stated that he would like to see a great commitment from community leaders to try to make Valdosta a better place. Someone told him that when there is a problem you are either a part of the problem or part of the solution. He would like to be part of the solution and help find people to come to the Mayor, City Manager, Police Chief, and Commander Bernard Robinson and ask how they can help. Mr. Bellamy stated the citizens who are here tonight are citizens who care and will pray and prod to figure out how to make things better and move forward. That is what Valdosta is about and that is what he believes will come out of a lot of things that seem to be negative. Sometimes we are put into situations where good things occur so we never think that because we are near something that appears to be dark and troubled that we cannot overcome it. Mr. Bellamy thanked Council for allowing him to speak and for the work that they do.

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

Consideration of a Request for Proposal for property management for multiple City properties (RFP No. 37-09-10).

Mara Register, Assistant to the City Manager, stated that It has become necessary to secure the services of a property management firm for multiple City properties. The properties include Five Points, the Georgia Department of Labor Career Center, and the Bennion properties on Forrest Street immediately east of the City's Public Works facility on Myrtle Street. A Request for Proposal was sent out to property management firms throughout Valdosta and the City received three proposals in response. The Selection Committee consisted of Mark Barber, Deputy City Manager of Administration, Greg Brown, Purchasing Agent, and Mara Register, Assistant to the City Manager. After reviewing the proposals, they were scored based on criteria that was developed as part of the Request for Proposal (RFP) process. Criteria included the fee to be charged, the services to be provided, references, experience, the scope of work to be performed, and the overall ability and resources of the firm to meet the requirements of the RFP. They also had an outside independent Real Estate professional review the proposals and he was in concurrence with the Committee's recommendation. The Herndon Company was selected with a high score of 172 points and the other two firms were scored 135 and 102 accordingly. Mara Register recommended that Council approve The Herndon Company for property management for multiple City properties. Councilman Yost inquired as to whether the money that it will cost the City to have this firm manage the properties will come from rent. Mara Register stated that was correct. Mayor Fretti inquired as to whether the contract would include cleaning and maintenance of the parking lot and landscaping at Five Points. Mara Register stated that with the Georgia Department of Labor Career Center we currently have a landscape firm and cleaning service under contract which is part of the Lease Agreement. The Public Works Department maintains the Bennion properties and the Five Points property so those types of things are being handled in house. We do have separate sub-contractors in the event that issues may come up with the tenants regarding electrical, plumbing, or HVAC problems. Councilman Vickers inquired as to why we need someone to manage the properties. Mara Register stated that because we have multiple properties it is very labor intensive and if an issue comes up then they already have people with various trades under contract who can come and fix the problem for a very small fee. Councilman Vickers stated that he could see the Five Points property but not the Labor Department. Larry Hanson stated that they are not required to put the Career Center in this but could if they chose to let them manage the Career Center. Councilman Vickers stated that he saw no reason to pay them to manage that property when the City has been managing it. Larry Hanson stated that managing also means providing services. For example, every time there is a problem with the alarm system or a toilet is broken they call John Whitehead, Deputy City Manager of Operations, to go and evaluate the problem and then call someone to make the repairs. Councilman Vickers stated that we have a contract with an electric company and plumber and he would like to see that building not included. Councilman Wright inquired as to how much it would actually cost. Mara Register stated that it would be 5% of the lease payment. Larry Hanson stated that this was primarily for the Five Points and the Bennion properties. Mayor Fretti stated that this only applied to the properties they manage.

**A MOTION** by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (6-0) to approve The Herndon Company for property management for multiple City properties.

Consideration of an Agreement with the Southern Georgia Regional Commission for Mobile Reporting Software for the Police Department.

Police Chief Frank Simons stated that the City has recently purchased software for most City functions and is now proceeding with the procurement of software for the Valdosta Police Department for report writing. This software will significantly enhance the ease of record keeping, the continuity of reporting, and minimize the time that personnel must spend in traditional report writing. They looked at several vendors, including Motorola software often used by other agencies. The Southern Georgia Regional Commission (SGRC) has the ability to write software with all the features and will perform all the functions of the Motorola software at approximately one-half the cost. The total cost for the software is \$325,000. In addition, the Department will have the ability to add unique features that are not available with proprietary software as well as avoid licensing fees. Software for the Crime Lab and evidence is also included. SPLOST VI funds are budgeted for this purchase. The SGRC has demonstrated that they can perform the work and they currently develop and maintain the Department's software. The Agreement states that the SGRC will incorporate all of the functions that they have created for the Police Department now in a more user friendly version. The Agreement has specific language in it that requires the software to be functional and operational before all the fees are paid on it. It also calls for a 20% retainage to ensure that the software does what it is supposed to do. The Agreement calls for the completion of the project in twelve months and gives an option to extend that for three additional months in the event some unforeseen circumstance occurs. Chief Simons stated that with more Police Officers and a greater number of calls coming in the software will deliver a better and more complete product. With the current software they have to come in and make corrections and once it is entered into the computer and printed out the spacing is incorrect so they have to go back in and correct those problems. The new software will correct all of those problems. The SGRC created a sample version of what it would look like and Chief Simons reviewed that along with Steve Carter, IT Manager, and the Patrol Commander and Officers and it will improve their efficiency. Chief Simons recommended that Council approve the Agreement with the Southern Georgia Regional Commission for Mobile Reporting Software for the Police Department. Councilman Vickers inquired as to whether the new system could be programmed so that the ticket could be filed with the Municipal Court and improve the Court records. Chief Simons stated that the SGRC can program the functionality that we ask them to put in it but the current Agreement does not include that. It would be necessary for the Municipal Court to decide on the type of software they are going to use so that the programmers would know what they are writing to. Councilman Vickers stated that this might be the time to take advantage of the opportunity to make things work better. Councilman Payton inquired as to whether there would be any reoccurring costs to maintain the software. Chief Simons stated that there are no reoccurring costs as part of the Agreement. The City already has an Agreement with the SGRC for computer services. Larry Hanson stated that the City would not have to pay annual licensing fees. The SGRC has one programmer that works with the Police Department the majority of the time so whatever maintenance that has to be done would be relatively minor. Councilman Payton inquired as to whether the City would have exclusive rights if we chose to market this software. Chief Simons stated that it is written in the contract that when we pay for the software it is ours and we can do whatever we want to with it. Mayor Fretti inquired as to whether there would be a time period where the SGRC would help to work out any issues and provide free maintenance. Chief Simons stated that the Agreement states that the retainage is not released until the software is in place and working to our satisfaction.

**A MOTION** was made by Councilman Wright to approve an Agreement with the Southern Georgia Regional Commission to develop and install Mobile Reporting Software for the Police Department. Councilman Payton seconded the motion. Councilman Vickers inquired as to whether this would be paid for out budgeted funds. Larry Hanson stated that there were funds in SPLOST VI for technology improvements. The motion was unanimously adopted (6-0).

Consideration of a request from the Valdosta-Lowndes County Airport Authority to accept and execute the Federal Aviation Administration's Grant Agreement for airfield drainage improvements at the Airport (Project Number AIP-27).

Larry Hanson, City Manager, stated that the City administers all grants on behalf of the Airport Authority at their request. This is a \$3.5 million project of which 95% is from the Federal Aviation Administration and 5% is from State and local funds. The funds are for airfield drainage improvements which are primarily some mid-field drainage improvements at the Airport. Larry Hanson recommended that Council approve the request to accept and execute the Federal Aviation Administration's Grant Agreement for airfield drainage improvements at the Airport.



A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve a request from the Valdosta-Lowndes County Airport Authority to accept and execute the Federal Aviation Administration's Grant Agreement for airfield drainage improvements at the Airport.

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

Larry Hanson, City Manager, stated Kevin Tolliver is the new Interim City Engineer.

Larry Hanson stated that he has been meeting internally with Matt Martin, Interim Planning and Zoning Administrator, and there will be some major Text Amendments to the Land Development Regulations (LDR). He has also offered to meet with citizens regarding their concerns and what the City can do to address those concerns.

The Sesquicentennial Committee will hold a Back to the Future 2060 Event on Friday, August 27, 2010 at 6:00 p.m. at Drexel Park and will be burying a time capsule. There is also a poster for Mayor and Council to sign which will be placed in the time capsule.

### **COUNCIL COMMENTS**

Councilman Wright stated that he wanted to give Mayor and Council an update on several E-mails that they received and to make them aware of some things that may be possibly coming in the near future. There were two Open Record Requests, one from a concerned citizen and one from the Valdosta Daily Times, regarding some issues with Councilman Wright working with the Valdosta Housing Authority on some issues. When they had the mass shooting in Hudson Docket and the high rates of crime that have come about in the community, the City assembled a Task Force and like other citizens here tonight, everyone was concerned about jobs. This is the reoccurring theme that you hear and this was the reoccurring theme that you heard from the Task Force and things we need to do for these children. With that in mind, particularly with the area that Councilman Wright represents, in and around the Housing Authority was where they had a lot of issues. Councilman Wright stated that he approached the Housing Authority trying to create some opportunities through development opportunities that were there. He actually went through the process of working with some contractors so that he would know first-hand what was and was not going on. Councilman Wright stated that he brought his computer tonight in order to give all the Open Records to the press; however, he received an E-mail this afternoon from HUD, who he had filed a complaint with, and wanted to share this Council. He also wanted to have this in the Minutes for the Council Meeting and submit it to the press as part of their request. They checked the records with the Secretary of State and found out the status of Progress Incorporated, which is a non-profit organization that Councilman Wright formed the first time in 2003 was administratively absolved. Consequently, Progress Incorporated does not exist as a business entity in the State and you cannot sign a complaint for a business entity that does not exist in the eyes of the law; however, Councilman Wright stated that he also wanted to point out to Council that he filed for two reinstatements with the Secretary of State on August 4, 2010 and April 2, 2010 and is waiting on their reply. Moreover, what was being addressed was the fact that they have contractors that will come to town and award contracts and jobs and by law are required to create jobs and economic development opportunities in these areas. Councilman Wright stated that he found that was failing to happen and with the cry from the community that he was hearing about job cuts it was imperative that he as a representative do what he could to address that. Councilman Wright filed a complaint after he found out the process with HUD saying there was no compliance with this. HUD said that to move past a stalemate he would have to file a complaint as a Section 3 resident, which means that his name would go on the complaint. They said that he would have to file a complaint on behalf of similar situated Section 3 resident as the authorized representative, which means his name would go on the complaint. They said that he would file the complaint in the name of the Section 3 business concerned, which he owns and operates as a sole proprietor. He then has to sign his name and file the complaint on behalf of similar Section 3 business concerns as the authorized representative, which once again means that the business name would have to go on the complaint. They also said that if he decides the he does not meet or cannot meet one of the four preceding criteria to let them know and they would consider looking at the issue as part of the compliance review. They do not have the authority to commit the Department to a compliance review; however, they recommended that action if Councilman Wright does or does not file the complaint. Councilman Wright stated that he wanted Council and Council members to know that this is what it is all about. We talk about jobs and economic development opportunities in our community and area and it is very seldom addressed in this way. He exhausted

every other option before he did this and he expressed that in his E-mail to Council which he will share with the press. He exhausted every other option before trying to pursue jobs and economic development. Councilman Wright stated that now all he was asking was for HUD to come in and review what is going on in terms of these areas where there are high poverty rates, high crime rates, murders, and people being shot on a daily basis and where there is very little to no economic development. We as a City should be very concerned about contractors who come here, get money, and not leave any in the local area. Councilman Wright stated that a lot of people have taken this as a personal vendetta against him and they are using other options to pursue some personal issues but he would deal with that when the time comes. He wanted Council to know where he was at, what he has done, what is going on, and he would keep them informed; however, primarily it is to keep money in our communities and get them to provide jobs for people in the area. Councilman Vickers inquired as to whether the situation that Councilman Wright addressed has anything to do with him as a City Councilman. Councilman Wright stated no and that is why he wanted to put it out there that it has nothing to any of them as a Council.

Councilman Vickers stated that he raised the issue at the Council Meeting last month about the status of Martin Luther King, Jr. Project and with the Georgia Department of Transportation (DOT). Larry Hanson, City Manager, stated that there have been meetings with the DOT and there will be some temporary filling done on the road to address the depressions that have occurred due to the settling. Kevin Tolliver, Interim City Engineer, stated that they will temporarily patch the area and the resurfacing will be put out for bid and advertised for several weeks.

Councilman Yost congratulated Councilman Payton as the new Mayor Pro Tem and was looking forward to working with him. Councilman Yost stated that there have been several instances lately where Mayor Fretti has tried to use his authority as Mayor to get the results he wanted no matter what the Council said or how the Council voted. Some examples are: (1) Mayor Fretti withholding his signature from Councilman Eunice's travel submitted after the Georgia Municipal Association Conference in June. At the June 24, 2010 Council Meeting, the Council voted to uphold the current Travel Ordinance in a 6-1 vote after Mayor Fretti submitted a change to this Ordinance in a motion made by Councilman Carroll. Councilman Yost stated that as far as he knew Mayor Fretti never signed Councilman Eunice's travel due to personal reasons which indicates to him that Mayor Fretti ignored Council's 6-1 vote and took matters into his own hands. (2) For the annual Washington, D. C. trip, Mayor Fretti made the decision that only certain members of Council could attend. Council made the decision that anyone who wanted to go, as usual, could attend per the Travel Policy. Once on the trip, Mayor Fretti met with several members of Council and proceeded to reprimand, threaten, and verbally abuse them. Councilman Yost stated that on several occasions he has witnessed or been told that Mayor Fretti has reprimanded, threatened, or verbally abused members of Council, Staff, and constituents. Councilman Yost stated that he wanted Mayor Fretti to understand that he cannot nor would he allow him to circumvent or try to ignore the voice or votes of this Council. The abuse of Council, Staff, and others must stop. His hope was that Mayor Fretti would listen to his concerns and continue to work with all members of Council in an effort to make Valdosta the best that it can be. Councilman Yost stated that he did not want to bring this up publicly but on the items that he did speak about specifically Mayor Fretti brought up publicly so he felt that he had no choice but to talk about these in public which he would have rather discussed in private. That was not possible so Councilman Yost wanted Council and Mayor Fretti to hear his thoughts on these items.

Mayor Fretti thanked Councilman Yost for his comments and stated that he wanted to make a few clarifications. Councilman Eunice's expense report was reimbursed 100% and his signature was not on there; however, there was a memorandum attached to the expense report. Mayor Fretti stated that Council voted for Councilman Eunice to be reimbursed and not that Mayor Fretti had to sign it to be reimbursed. That is the only example, in addition to one year ago and seven years ago, that Mayor Fretti's signature was not on an expense report. He did not appeal the expense report to Council which he is allowed to do. He let it go and be reimbursed but added a memorandum as to why his signature was not on there. The annual Washington trip was just to save money in this economy but Council can decide that they all go and that is fine. Mayor Fretti stated that he was truly trying to suggest a smaller contingency of Council that would be fit and ready to do the job in Washington. As is the case next year or whenever they go to Washington, D. C. again, everyone is allowed to go but he would probably suggest again that they take a smaller contingency to save money. Mayor Fretti stated that though Councilman Yost heard that he has reprimanded some Council members before they have also had words once or twice before but that is good and passionate.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the August 19, 2010 meeting of the Valdosta City Council at 7:39 p.m. to meet again in regular session on Thursday, September 9, 2010.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta