

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, AUGUST 6, 2009
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Willie Head, Jr., John Eunice, and Robert Yost. Councilmen Alvin Payton, Jr. and James Wright were absent. The invocation was given by Dr. Ronnie Mathis, Crossing Jordan Missionary Baptist Church, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE AUGUST, 2009 EMPLOYEE OF THE MONTH AWARD

Consideration of the August Employee of the Month Award (Emily Davenport, Utilities Department).

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

A **MOTION** by Councilman Head, seconded by Councilman Carroll was unanimously adopted (5-0) to approve the August, 2009 Employee of the Month Award.

Mayor Fretti presented the August, 2009 Employee of the Month Award to Emily Davenport (Utilities Department).

Emily Davenport began her employment with the City of Valdosta in June, 2007 as Stormwater Superintendent. In this position, Ms. Davenport oversees the day-to-day operation and maintenance of the City's Stormwater System. A critical part of her job includes the creation and presentation of educational and public information programs concerning stormwater and the City's use of it. Additionally, she oversees the budget, permitting, and billing as well as providing long term planning for the growth of the utility. Since the establishment of the Stormwater Utility and her employment as its first Superintendent, Ms. Davenport has consistently gone beyond expectation in the performance of her duties. Her dedication is evident and during her recent pregnancy, she continued to work right up until the birth of her child. While out on maternity leave, she assisted the Utilities Department from her home by completing the annual NPDES Report and the Water Shed Protection Plan for the Mud Creek Basin. Both are extremely critical documents and are essential to the successful operation of the utility. This was done while balancing the needs of a newborn with those of the City at the same time. During her time as Superintendent, Ms. Davenport has also played an important role in the preparation of the City's Stormwater Master Plan Update and attended all meetings during its development to obtain public input. She has provided valuable assistance to other Departments during the development of the newly adopted Land Development Regulations and corresponding ordinances and assisted with the development of news releases and educational material in support of these efforts. Those who work with Ms. Davenport will tell you she does all this with a constant smile and positive attitude which makes her a pleasure to work with. For these reasons and many others, the City of Valdosta Employee Relations Committee recognized Emily Davenport as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the July 23, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (5-0) of the Council.

CITIZENS TO BE HEARD

Johnny Johnson, 2103 Jerry Jones Drive, stated that he received a letter from one of the City Marshals regarding a piece of property he owns which is located on Hazelton Street. They are putting in water and sewer lines and Mr. Johnson had the contractor leave some dirt for him to fill in some low areas in back of the property. In order to get the dirt in the back yard, they cleared away some brush and piled it by the street. The letter that Mr. Johnson received stated that he could not put the trash out by the road because he did not have an account with the

City. Mr. Johnson stated that he has property all over the City and when he has excess trash they send him a bill. Mr. Johnson inquired as to what could be done in those areas that do not have water and sewer and no account with the City. Larry Hanson, City Manager, stated that the problem would correct itself when the water and sewer is installed; however, the City does have sanitation-only customers and Mr. Johnson could call Public Works and sign up to be a monthly sanitation-only customer until such time that the water and sewer is installed. This cannot be on an as needed basis or once every six months for a special pick-up. Mr. Johnson stated that most of this is rental property and he would not need it on a monthly basis. Mayor Fretti stated that the renters could sign up on an as needed basis but the City will look into the situation.

Terence Burton, Counselor of a Greater London Authority, 2304 Dukes Avenue, stated that earlier this year he was entrusted by the Mayor of Valdosta to be the bearer of a message of goodwill and friendship back to his London Authority. Mayor Fretti also entrusted in his care some gifts from the City of Valdosta to present to the Mayor on his behalf. Mr. Burton completed the assignment on behalf of Mayor Fretti and the story was depicted in the Valdosta Daily Times newspaper. Mr. Burton stated that he wanted to present some personal gifts from the Greater London Authority. In addition to the personal gifts, Mr. Burton presented Mayor Fretti with a lead crystal decanter engraved with their Coat of Arms and thanked the Mayor for his kind hospitality. Mayor Fretti thanked Mr. Burton for the gifts and stated that it was our pleasure to have begun a friendship and relationship with the Greater London Authority.

PUBLIC HEARINGS

ORDINANCE NO. 2009-32, AN ORDINANCE FOR A CONDITIONAL USE PERMIT IN HIGHWAY-COMMERCIAL (C-H) ZONING TO ACCOMMODATE A DAYCARE

Consideration of an Ordinance for a Conditional Use Permit in Highway-Commercial (C-H) Zoning to accommodate a daycare as requested by North Ashley Ventures (File No. CU-2009-06). The property is located at 2935 North Ashley Street, Building E, Suite 108. The Planning Commission reviewed this request at their July Regular Meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Conditional Use Permit to allow a child daycare center in a Highway-Commercial (C-H) Zoning district. The parcel is located between Garden Drive and Connell Road and consists of 2.6 acres. It currently contains an office complex with a blend of office uses. A pediatric care office, one that specializes in children with more advanced medical issues, would like to have a daycare to serve such children. They have already received approval from the State for operation of a daycare. The site plan depicts the eight existing structures including the pediatric care office, entrances off of both Connell Road and Garden Drive, and parking. No additional outdoor play areas would be constructed and the existing courtyard would be utilized. The parcel is located within a Community Activity Center Character Area on the Future Development map. Daycares are permitted only by Conditional Use in a C-H zoning district due to the potential for incompatible uses. The applicant's request for a Conditional Use Permit serves as their acknowledgment that future uses may develop around the property which may be incompatible. No such uses currently exist within the immediate area. Additionally, there are plans for a significant portion of the property to the north to be constructed with a residential apartment complex, thus providing a nice buffer to the daycare. Based on the fact that the proposed use meets the Conditional Use Permit Criteria and is consistent with the Comprehensive Plan, Staff recommended approval of a Conditional Use Permit for a daycare center. The Planning Commission reviewed this request at their July 27, 2009 regularly scheduled meeting and recommended approval (8-0 vote).

Micah Shapiro, North Ashley Ventures, 2935 North Ashley Street, spoke in favor of the request. Mr. Shapiro asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (5-0) to enact Ordinance No. 2009-32, an Ordinance for a Conditional Use Permit in Highway-Commercial (C-H) Zoning to accommodate a daycare as requested by North Ashley Ventures, the complete text of which will be found in Ordinance Book XI.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2009-33, AN ORDINANCE TO AMEND THE STOPPING, STANDING, AND PARKING ORDINANCE

Consideration of an Ordinance to amend the Stopping, Standing, & Parking Ordinance.

Mayor Fretti stated that there was some confusion about the word “Standing” in this Ordinance and it refers to vehicular traffic. There are certain times and locations that someone would not be allowed to stop a vehicle even while occupied. There are also ordinances and regulations that address the parking side of vehicular movement in traffic. The “Standing” part is when a vehicle is left abandoned in an area such as a drop off lane at an airport or the left hand lane of I-75 then it is said to have been “left standing.”

Larry Hanson, City Manager, stated that the City adopted new Land Development Regulations (LDR) last year which became effective January 1, 2009. New parking requirements were included and have been implemented with some revisions approved by Mayor and Council. Implementing these policies has resulted in some enforcement challenges and some stable single-family neighborhoods have continued to feel the impacts of multiple persons living in traditional single-family homes with some of them creating parking and nuisance issues as a result. City Staff worked with the City Attorney and reviewed ordinances from other communities as well as various legal decisions to arrive at the proposed ordinance. This Ordinance is intended to improve enforcement and will allow both Police Officers and City Marshals the right to enforce parking violations on residential properties within the parking overlay zone identified in the LDR. It more clearly defines illegal parking and provides greater explanation of improved surfaces and parking limitations. There were some changes made to the Ordinance at the Work Session which included not only vehicles but also water craft, non-motorized campers, or trailers designed to be pulled by motor vehicles. It was clarified that this is under the authority of the City Engineer and the Traffic Engineer because the City does have both positions. It was also added that the property owner can be cited if there are three violations within a 12-month period. On late payments it would be a 30-day period and the City Attorney added the word “thereafter” so that there was no confusion about the time frame for paying a fine to avoid an additional fee. These cases will be heard in the Municipal Court. The goal of this Ordinance was designed to stabilize and preserve single-family neighborhoods which have been affected by an influx of multiple people living in what were traditionally single-family homes and is effective in the Residential Overlay District which was outlined in the LDR. In the future, that boundary can be increased or decreased as the case may be but it is to address problems in a particular area. Larry Hanson recommended that Council approve the amendment to the Stopping, Standing, & Parking Ordinance. Councilman Yost inquired about placing a statement in the Ordinance to notify the property owner. George Talley, City Attorney, stated that the only way they would know who the property owner is would be to check at the Tax Assessor’s Office. Larry Hanson inquired about the process that is followed when notifying residents and property owners about over grown lots. Mike Martin, Director of Community Development, stated that they notify the tenant and property owner by Certified mail and post the property. George Talley stated that he would add a sentence to the Ordinance that all property owners would be notified within seven days of each parking violation on their property. Councilman Yost stated that he wanted to notify the property owners about the citations so that they are aware of what is going on since they will be paying after the fourth citation. Larry Hanson stated that a form letter would be created to inform the property owner of the citations so that it is clear that they are not being cited and it is for their information only. The letter would be changed according to whether it is the first, second, or third offense. Mike Martin inquired as to whether the letter would need to be sent Certified mail. George Talley stated that regular mail would be fine. Councilman Eunice inquired as to whether the fees would apply to the property or three violations for a vehicle. Mike Martin stated that it would apply to the owner of a vehicle. Larry Hanson stated that if one vehicle gets a ticket and then three days later a different vehicle gets a ticket, both of those would be \$75 tickets and the second person would not be ticketed \$150 since it is the same property because it is a different offense. The property owner would be fined

when the property has had three violations. Mike Martin stated that if there are four cars in the same day that would be one violation even though it is four different citations. Councilman Carroll stated that he did not want to set up property owners unfairly though they ultimately have to be held accountable. It takes a minimum of 30 days to evict a tenant and if all these violations are occurring repetitively and the property owner is trying to get the tenant out then that should be taken into account. George Talley stated that a good property owner would have a provision in the lease agreement that if the tenant violates the provision then the tenant would be responsible for payment. Larry Hanson stated that as with any new ordinance there are unintended consequences and that could be addressed. Councilman Eunice inquired as to whether the students coming back to school could be notified about the new Ordinance. Larry Hanson stated that Mara Register, Assistant to the City Manager, and Police Chief Frank Simons will be meeting with Valdosta State University about the new Ordinance.

A MOTION was made by Councilman Yost to adopt an Ordinance to amend the Stopping, Standing, & Parking Ordinance with an effective date of September 1, 2009. Councilman Carroll seconded the motion. Councilman Eunice inquired as to whether the Ordinance would include notifying the property owner on the first violation. Mayor Fretti stated that was discussion and considered rationale and it would be included. The motion was adopted (4-1) with Councilman Vickers voting in opposition to enact Ordinance No. 2009-33, the complete text of which will be found in Ordinance Book XI.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a request to approve the bid for the MLK, Jr. Memorial Park Contract with a 10% contingency.

Von Shipman, City Engineer, stated that plans were prepared by IPG Architects for the Martin Luther King, Jr. Memorial Park to be constructed at the southeast corner of Martin Luther King, Jr. Drive and South Ashley Street. Bids were received on July 29, 2009 with the low bid that met legal requirements submitted by Pinnacle Contractors in the amount of \$712,000. The contractor is prepared to start work on August 15, 2009 and finish in 130 calendar days. The bid submitted by Cauthan Construction did not include the required utility contractor number as required by State law. A meeting was scheduled for July 31, 2009 to see if any value engineering can occur without impacting the project in a negative fashion. Von Shipman recommended that Council approve the low bid that met legal requirements submitted by Pinnacle Contractors in the amount of \$712,000 plus a 10% contingency.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (5-0) to approve the low bid that met legal requirements submitted by Pinnacle Contractors in the amount of \$712,000 plus a 10% contingency for the Martin Luther King, Jr. Memorial Park.

Consideration of a Sub-Lease Agreement between the City of Valdosta and Lowndes County. Mayor/Council postponed the request at the June 25, 2009 regular meeting for 30 days.

Larry Hanson, City Manager, stated that the County recently stated that they are pursuing other alternatives to address their parking needs and recommended that no action be taken on the Sub-Lease Agreement. There was discussion at the Work Session to appoint a committee to meet with the County to determine if there are any opportunities for mutual projects such as the Griner site and the Lee Street site for parking. Mayor Fretti inquired about the committee. Councilman Head stated that there was discussion to have a delegation meet with the County to see if there was a possibility for some sort of partnership. Councilman Carroll had suggested a committee comprised of the Mayor, City Manager, Councilman Head, County Manager, and Commissioner Joyce Evans. Councilman Head stated that he preferred a smaller delegation made up of the Mayor and City Manager. Mayor Fretti inquired as to whether the Council would like to ask a member of the Central Valdosta Development Authority (CVDA), the Downtown Development Authority (DDA), or a member of the Merchants Association to join in the discussion within the next ten days or leave it to the discretion of the City Manager. Councilman Head stated that when the City first looked at the Griner site he received some strong comments from citizens about where they thought the City may be heading as a governmental body and to involve the DDA or the CVDA in this discussion would not do the City well unless they are brought up to speed on all that has transpired. Mayor Fretti stated that the City has created a conceptual drawing for the site and this could be a starting point for discussion as

to how they could fit together parking and festival activity at the same time. Councilman Carroll stated that when he first saw drawing it was very exciting and while this is merely conceptual it provides a vision and a picture to show what the possibilities could be for the Griner property. The unfortunate thing is that we cannot reflect the parking area on Lee Street and have both sites for connectivity. Councilman Carroll encouraged the City to meet with the County to discuss a joint partnership project and applauded the drawing that has been provided which shows the possibilities of this site.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve the 2010 Local Assistance Road Program (LARP) resurfacing list.

Von Shipman, City Engineer, stated that each year the Georgia Department of Transportation (DOT) asks local governments to submit streets for resurfacing under the Local Assistance Road Program (LARP). Depending on the amount of funding that is available the DOT evaluates the streets and determines which ones are to be resurfaced. Those not selected will be considered in future years or placed on an upcoming SPLOST resurfacing program. The DOT pays for the work and the local government is required to patch problem areas in advance of the resurfacing. The City Engineer maintains a list of resurfacing candidates collected from multiple sources. Each candidate is evaluated and given a score and the streets with the worse scores are chosen. Elected officials are also asked to submit streets they feel need to be evaluated. This year approximately 30 streets will be submitted and hope that an additional nine streets will be selected by the DOT under the Federal Stimulus program. Von Shipman recommended that Council approve the 2010 Local Assistance Road Program (LARP) resurfacing list.

A MOTION by Councilman Head, seconded by Councilman Yost, was unanimously adopted (5-0) to approve the 2010 Local Assistance Road Program (LARP) resurfacing list as submitted by the City Engineer.

Consideration of a request to approve the proposed draft of the Valdosta City Government 101 Program.

Mara Register, Assistant to the City Manager, stated that the Mayor and City Council adopted a goal for Fiscal Year 2009 to initiate a program for citizen education and engage citizen involvement to be known as the Valdosta City Government 101 Program which is similar to other programs in place in Decatur and Gainesville. City staff had the opportunity to work with the Georgia Municipal Association and the Masters of Public Administration (MPA) program at the University of Georgia to develop the program. The Valdosta City Government 101 Program consists of the following components: (1) The program overview and agenda consisting of six separate sessions beginning Monday, April 6, 2010 and continuing each Monday thereafter with the final session on May 11, 2010, (2) the Program application, (3) the plan for marketing and publicizing the Program to the citizens of Valdosta, (4) the Program implementation strategy, (5) the Program evaluation component, and (6) the proposed Program budget. The proposed budget of \$1,400 will be used to provide refreshments, certificates, and other items for the participants. The proposed class size for the first class is 25 participants. Mara Register recommended that Council approve the proposed draft of the Valdosta City Government 101 Program.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (5-0) to approve the proposed draft of the Valdosta City Government 101 Program.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Mayor and Council Retreat has been moved to March 12-14, 2009 due to a conflict with the Newly Elected Officials Institute.

There have been several calls from concerned students as well as compliments from others regarding the new bicycle lanes on Sustella Avenue. The Transportation Plan included the implementation of bicycle lanes and a separate Bicycle and Pedestrian Plan and it was worked on community-wide and County-wide through the South Georgia Regional Development Center. This particular bicycle lane on Sustella Avenue ties in with the multi-use trail and is the City's effort to begin a network of bicycle trails in the area around Valdosta State University.

Larry Hanson stated that the City has recently hired the following new employees: (1) Nikki Forman, new Media Coordinator for Channel 17 - Nikki was an intern with the City's Public Information Division last year and assisted in the transition prior to the previous Media Coordinator coming on board. She is a former anchor and producer of the Columbus Consolidated Government Access Channel and is a 2008 graduate of Valdosta State University with Bachelor of Fine Arts degree in Broadcast Journalism. (2) Sabrina Riley-Randolph, new Neighborhood Development Coordinator - Sabrina has extensive experience in managing U. S. Housing and Urban Development (HUD) and Tax Credit funded properties in Tifton and Valdosta. She is a Certified Occupancy Specialist, a Tax Credit Specialist, and is certified through HUD and Fair Housing. Sabrina is a 2001 graduate of Valdosta State University with a Bachelor of Science degree in Psychology. (3) Hunter Harper, new Valdosta Small Emerging Business (VSEB) Coordinator – Hunter was formerly the Director of Entrepreneurial Development for the Valdosta-Lowndes County Chamber of Commerce. He was also a Financial Needs Analyst and a Senior Representative for America Financial Services and an Account Executive for Excalibur Product Development. Hunter received his Bachelor of Business Administration and Marketing degree from Valdosta State University in 2008. Larry Hanson stated that the City is proud to have these three professionals on board.

COUNCIL COMMENTS

Councilman Yost thanked all the Staff who worked on the Stopping, Standing, and Parking Ordinance and thanked Von Shipman and his Staff for their work on the bicycle lanes on Sustella Avenue.

Mayor Fretti stated that there will be a Public Forum next Thursday, August 13, 2009 at 5:30 p.m. at the new office of the Parks and Recreation Authority on Forrest Street. The Forum will be a roundtable discussion about the recent violence in our community as well as other topics. Former Judge Mac McLane will be the moderator and Council is invited to attend.

ADJOURNMENT

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Head, was unanimously adopted (5-0) to adjourn the August 6, 2009 meeting of the Valdosta City Council at 6:48 p.m. to meet again in regular session on Thursday, August 20, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta