

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, SEPTEMBER 10, 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: Tim Carroll, Alvin Payton, Jr., Willie Head, Jr., John Eunice, and Robert Yost. Councilman Sonny Vickers arrived at 5:40 p.m. and Councilman James Wright was absent. George Newbern, Attorney with Coleman-Talley, LLP, was in attendance due to the absence of City Attorney George Talley. The invocation was given by Reverend Ernest Usher, Jr. of St. John Baptist Church in the Barretts Community, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE SEPTEMBER, 2009 EMPLOYEE OF THE MONTH AWARD

Consideration of the September Employee of the Month Award (Brian Becton, Police Department).

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

A **MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the September, 2009 Employee of the Month Award.

Mayor Fretti presented the September, 2009 Employee of the Month Award to Brian Becton (Police Department).

Brian Becton began his employment with the City of Valdosta Police Department in January, 2005 as a Patrol Officer which is the position he currently holds. The day-to-day situations encountered by a Patrol Officer vary from the routine to the extreme and are sometimes tedious but always dangerous. Such was the case in December, 2008 when Patrolman Becton was shot multiple times in the line of duty. This resulted in wounds to his lower extremities and a very serious wound to his left forearm. During his recovery period, Patrolman Becton endured multiple surgeries to repair his shattered arm and intense physical therapy. Despite all this, he remained positive and his upbeat attitude inspired his squad during his absence. His determination to do whatever was necessary to heal so that he could return to duty served as an example to all those in law enforcement. On July 2, 2009, Patrolman Becton returned to full duty alongside his fellow Officers and once again joined in to serve the citizens of Valdosta. It has been said that courage is not the absence of fear, but rather the judgment that something else is more important. Officer Becton has exhibited true courage in overcoming his injuries and returning to the job he loves when lesser men would have said "enough." The City of Valdosta and its citizens owe a debt of gratitude to Officer Becton for his sacrifices and a job well done as he continues to serve and protect. For these reasons and many others, the City of Valdosta Employee Relations Committee recognizes Brian Becton as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the August 6, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

Ariana Sanders, Internal Revenue Service in Atlanta, Division of State Partnerships Education and Communication, SPEC stated that she was in Valdosta to develop an Asset Building Coalition in the Valdosta-Lowndes County area. Ms. Sanders stated that she would like for the City to partner with the Asset Building Coalition and wanted to reiterate the President's initiatives for the American Recovery and Reinvestment Act of 2009. There are multiple tax credits available to the citizens which include the first time home buyers credit as well

as the making work pay tax credit in which the taxpayers have automatic withholdings adjusted for the tax year. The Asset Building Coalition will help to increase financial literacy awareness, awareness of the earned income tax credit, and promote the sites that they are establishing in the City and surrounding areas.

George Boston Rhynes, 5004 Oak Drive, stated that several of the issues that he brought before Council have not been addressed and when they are not addressed it reminds him of the 1860 City Charter that was moved from these walls. Also, the City School Superintendent made history the other night when he denied the City school children to listen to and watch the first black African-American President, a Harvard graduate, and the Commander-in-Chief of those serving in Iraq and Afghanistan and other countries around the world. Mr. Rhynes stated that this was totally unacceptable to him for this to be done to our children at this stage of progress of our nation as it has progressed toward change and inclusion. As a retired military veteran of the Armed Forces, when black students are the majority at Valdosta High School as well as the Valdosta City Schools, it hurts him and he grieves. Mr. Rhynes wanted the people of Valdosta to know that he was not happy at that action. It does not please him when he reflects upon his service to the country. He could have been killed because he was on a plane over Guam when the wing caught fire. Never before in the history of this nation has a President of the United States been called a liar before the United State Congress and black African-Americans were terrorized in this country. They were murdered out right without justice. They were not permitted to assemble in groups of more than five at a time, not to attend church unless a white person was present, called three-fifths of a human being, forbidden to have a family, and stripped of their name, their God, religion, and culture. The blacks never criticized, condemned, threatened, or called any of the other 43 white male Presidents a liar. They never denied white or black children from listening to the 43 white Presidents but that was done at Valdosta High School. All of the black people are not happy about it and many are sad but will not speak. There are also white people not happy about that. We may not like the President but think about the pain and suffering of black people. We are fighting today in Afghanistan and Iraq and we have been the most patriotic soldiers of this country because even when we could not vote we fought for this country and we respected our Presidents even though they were the ones who denied us our rights. Mr. Rhynes stated that we in Valdosta can move forward or backward or we can follow the 1860 Charter. He can only imagine how the black teachers, the black principals, the black parents, and the children must feel who have fathers, mothers, sisters, and brothers now serving in Iraq and some have died in defense of this country but were not permitted for their President and Commander-in-Chief to speak to their children in the Valdosta City School System. We can and we must do better or we might as well close up our Bibles, holy Koran, Tora, the book of the Indians, and the book of the Jews, so our children can see us for who we are. Councilman Vickers stated that he was in 100% agreement with Mr. Rhynes and was outraged at how they treated the President in the school systems all over this country. This has never happened before and it was a wonderful speech that he made the other night. Mr. Rhynes stated that he appreciated that and we are living in a time when we must be reflective of the greatness of our nation or we are going to watch the destruction of our nation. God sent us Dr. King and Dr. King spoke of non-violence yet he died violently. He has said it before that if something else goes off in this City he does not believe that anybody could control the young people. He only makes that statement for a reason. A lot of people talk about gun control but the weapons that the young black boys have today scares him. Mayor Fretti stated that there is a response coming to Mr. Rhynes and it is waiting for his final review. Mr. Rhynes stated that he appreciated and he also apologized to the Council because he criticized Council for not having any blacks on the Community Forum but he later found out that there were two black preachers that were invited to be on the Community Forum but they could not attend. Mr. Rhynes went to them directly because he wanted to know so he apologized to the Council but they should have said that at the beginning of the meeting so that no one went out thinking that the black community was not represented.

PUBLIC HEARINGS

REQUEST TO CLOSE A PORTION OF GARDEN STREET

Consideration of a request to close a portion of Garden Street.

Von Shipman, City Engineer, stated that Council previously approved the closure of Barfield Drive from Ashley Street to Garden Street; however, there needed to be an additional portion of Garden Street closed. The closure request is related to a major apartment complex development that is being proposed. A Public Hearing is

required and the public notice was advertised in the Valdosta Daily Times. Von Shipman recommended that Council approve the request to close a portion of Garden Street.

Bill Nijem, 612 West Alden Avenue, spoke in favor of the request. Mr. Nijem stated that he represented Five Points Properties, LLC and would be glad to answer any questions.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the request to close a portion of Garden Street.

REQUEST TO CLOSE AN ALLEY OFF BREVITY LANE

Consideration of a request to close an alley off Brevity Lane.

Von Shipman, City Engineer, stated that there is a portion of an alley which runs 220' west from Brevity Street in the block south of Magnolia Street. A petition was received from the majority of property owners in favor of closing an alley. The closure is needed to allow the church to make additions to the church and parking lot. The church also owns the parcel across the alley. The notice for a public hearing was advertised in the Valdosta Daily Times.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (6-0) to approve the request to close an alley off Brevity Lane.

ORDINANCE NO. 2009-35, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone multiple properties to the new Multi-Family Residential (R-M) zoning district as requested by City of Valdosta (File No. VA-2009-16). The Planning Commission reviewed this request at their August regular meeting and recommended approval (8-0 vote).

Mike Martin, Director of Community Development, stated that in February of this year, the City Council approved rezoning of several properties to the new Multi-Family Residential zoning district (R-M). As was anticipated, a small number of properties were omitted. The purpose of this request is to bring those properties into compliance in a manner consistent with the previous mass rezoning. The primary reason for establishing a separate Multi-Family Residential zoning district was to protect Single-Family uses from inappropriate encroachment. Now that Multi-Family uses will be permitted in a different category from those permitting Single-Family uses, there will be greater control over the establishment of such uses and thus less potential for land use conflicts. Rezoning the properties to R-M or R-P will either bring what are technically non-conforming uses, due to the adoption of the LDR, into conforming status or apply the correct zoning so previously established plans may be submitted for approval. There is no other change occurring to the properties. Staff found the request consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their August 31, 2009 regularly scheduled meeting and recommended approval of the rezoning request, with a unanimous vote of 8-0, based on the request's consistency with the Comprehensive Plan.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2009-35, an Ordinance to rezone multiple properties to the new Multi-Family Residential (R-M) zoning district as requested by City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-36, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an ordinance to rezone 0.175 acres from Planned Development (P-D) County to Single-Family Residential (R-6) City as requested by Habitat for Humanity (File No. VA-2009-18). The parcel is located at 421 Green Acres Street. The Planning Commission reviewed this request at their August regular meeting and recommended approval (8-0 vote).

Mike Martin, Director of Community Development, stated that the applicant is requesting to rezone 0.175 acres from Planned Development (P-D) County to Single-Family Residential (R-6) City to accommodate a single-family house, which is currently under construction. The parcel is addressed as 421 Green Acres Street and lies north of the intersection of Green Acres Drive and S. St. Augustine Road. The property is located in a Community Activity Center Character Area on the Future Development Map. A Community Activity Center Character Area is one that serves as a focal point for several neighborhoods and has a concentration of activities such as general retail, service commercial, office professional, higher-density housing, and appropriate public and open space uses easily accessible by pedestrians. The rezoning request is intended to accommodate the single-family house currently being built and is submitted in conjunction with an annexation request. The neighborhood is a mixture of single-family residences interspersed with undeveloped lots. While the rear of the lot faces St. Augustine, access to the lot is from Green Acres Blvd. The local roads in the area would have difficulty handling higher intensity uses, such as multi-family, office or retail space. Single-family residences seem to be the best use of this immediate area, unless wide-scale redevelopment was to occur including a major upgrade of infrastructure. Given the single-family nature of the existing development, Staff found the request for R-6 zoning consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their August 31, 2009 regularly scheduled meeting and recommended approval of the rezoning request, with a unanimous vote of 8-0, based on the request's consistency with the Comprehensive Plan and with the surrounding development.

Larry Henderson, Construction Manager for Habitat for Humanity, spoke in favor of the request. There is a house located on the property and it is a small lot. They have approval for a septic tank but there is not enough room to place a well. Mr. Henderson asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2009-36, an Ordinance to rezone 0.175 acres from Planned Development (P-D) County to Single-Family Residential (R-6) City as requested by Habitat for Humanity, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-37, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3

Consideration of an Ordinance to annex 0.175 acres as requested by Habitat for Humanity (File No. VA-2009-19). The property is located at 421 Green Acres Street. The Planning Commission reviewed this request at their August regular meeting and recommended approval (8-0 vote) with the condition that when sewer is available at this property, the property must connect.

Mike Martin, Director of Community Development, stated that the applicant is requesting to annex .175 acres from Lowndes County into the City of Valdosta to allow a Single-Family house, which is currently under construction, access to City water. The parcels are located north of the intersection of Green Acres Drive and South St. Augustine Road. The annexation is requested to access City water and the request is running concurrently with

a rezoning request. The parcels will be served by a septic tank since gravity sewer is currently unavailable. The parcels are contiguous to the City limits and will not create an island. Development is similar to what exists currently. The applicant has submitted a letter to the Utilities Director agreeing to connect to sewer service once it is available. Given the property's location to the current City limits and the fact that the development is the same as existing development, Staff found the request consistent with the goals and policies of the Comprehensive Plan and recommended approval of the annexation request. The Planning Commission reviewed this request at their August 31, 2009 regularly scheduled meeting and recommended approval (8-0 vote) with the condition that when sewer is available at this property, they must connect based on the request's consistency with the Comprehensive Plan and appropriateness for the property.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (6-0) to follow Staff's recommendation and enact Ordinance No. 2009-37, an Ordinance to annex 0.175 acres as requested by Habitat for Humanity, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-38, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 178.83 acres from Heavy Manufacturing and Conservation (M-2 & CON) County to Manufacturing and Distribution and Environmental-Resource (M-2 & E-R) City as requested by Walter Walker Carroll, II (File No. VA-2009-20). The property is located between I-75 and Madison Highway. The Planning Commission reviewed this request at their August regular meeting and recommended approval (8-0 vote).

Mike Martin, Director of Community Development, stated that the applicant is requesting to rezone three parcels containing 178.83 acres from Heavy Manufacturing and Conservation (M-2 & CON) County to Manufacturing and Distribution and Environmental-Resource (M-2 & E-R) City. The parcels are located between I-75 and Madison Highway, just off of Exit 13, and just south of the Valdosta Regional Airport. The property is located in a Community Activity Center Character Area and a Park, Recreation, and Conservation Character Area with a small area of Neighborhood Activity Center Character Area on the Future Development Map. The rezoning request is running concurrently with an annexation request stemming from the applicant's wishes to utilize City water and sewer. Portions of the property do lie within the floodplain and wetlands and the City's floodplain regulations would govern any development in the floodplains. Development within the wetlands may be governed by the Army Corps of Engineers, or the City of Valdosta, depending on whether the wetlands are jurisdictional or non-jurisdictional. While the request is not currently consistent with the parcels' Character Areas on the Future Development map, the request is consistent with the existing development to the north. Additionally, these Character Areas will be changed during the upcoming Future Development Map amendments. An existing industrial park, as well as the location of I-75 and the Valdosta Regional Airport, and its current M-2 zoning within Lowndes County, support this request. Given the property's proximity to I-75, the Valdosta Regional Airport, and an existing industrial park, Staff found the request consistent with the Goals and Policies of the Comprehensive Plan and recommended approval of the rezoning request. The Planning Commission reviewed this rezoning request at their August 31, 2009 regularly scheduled meeting and recommended approval (8-0 vote) based on the request's consistency with the existing zoning and future plans for the property as well as the goals and policies of the Comprehensive Plan.

Walter Carroll, 803 Pinepoint Circle, spoke in favor of the request. Mr. Carroll stated that he would keep this as brief as possible because he did not want to bore Council. One thing that he did want to say up front was that he was not here to criticize any past County employee or present employee or City employees or staff. He has worked with them for 20 years and has enjoyed it. They have had differences of opinion but he appreciated all of their help. Mr. Carroll stated that he wanted to give a brief history on the property because it is important that Council understands his family's intent with this property from the outset, what they started out to do and 20 years

later where they are today. In 1990 they started putting this 178 acres together. They purchased an old race track and their intent was to have a private industrial park. Then they bought additional land in the next three years after that. Also in 1990, they came to the City to ask for water and sewage and they were told it would cost too much to run the water main and sewer main out to the property. So at the same time they entered into an agreement with three other property owners. They met with the County and negotiated over a period of years with the County that they would pay for 10% of the cost to run the water and sewer up from the Loch Laurel Road area from the Lake Park area up White Water Road to service our property. They would pay 10% of the cost and they did that. As part of that, the first phase of this agreement was that they would receive in Phase I a basic water system of 1,000 gallons per minute. Phase II that would receive a water flow of 3,000 gallons per minute for 60 minutes. That was the agreement signed upon and paid for. The County put in the water mains and a lift station and they were serviced. The County went across the Interstate and put in an above-ground storage tank and a series of wells to pump water and everything was fine. Mr. Carroll stated that they had the water they had been promised. Later on, the County, and he did not know why, removed the wells and took down the above ground storage tank so that put them back to Phase I which was 1,000 gallons a minute which is not adequate for an industrial park. At the same time, in 1996, Mr. Carroll had worked with the Lowndes County Industrial Authority to help promote the property and help them to sell it. He had a great meeting with the Industrial Authority and had a letter from the Industrial Authority. The first part of the letter was all complimentary of the property but the key paragraph (on the negative side) stated the following: "Most large distribution centers will require a sophisticated fire suppression sprinkler system. These systems typically require approximately 3,000 gallons per minute from the water supply. My understanding is that the current County system can only apply approximately 1,000 gallons per minute. I would recommend requesting annexation into the City of Valdosta to take advantage of the City's Class 3 ISO rating for fire insurance purposes and for the purpose of combining the City and County water systems together." Mr. Carroll stated that in other words, we had proposed to take the City's 12-inch water main that was dead ended at the Airport and extend it out to their property to hook it to the County water main which would relieve their problem and it would help the County and it would have helped the City. Again, he was told they couldn't do that. Then as time went on and he continued to try and get water and sewer they had people coming into Valdosta to look at the property. They had different private developers come in and the Industrial Authority has been great at showing the property and they have had interest in it. They had interest from the bakery that is now here, they had interest from the Home Depot, they had two developers from Atlanta who came in and are industrial developers. They have been very active in the Savannah area. They came and looked but when they realized that there was not adequate water and sewer they left just like everybody else. At present, Mr. Carroll asked the County and they told him that he has 750 gallons per minute. Mr. Carroll's next question was, "What are ya'll going to do to improve this situation?" He got no response. So again, he has property that he cannot do anything with. Then in 2007, the Industrial Authority announced a new airplane manufacturer was coming to Valdosta and they were going to locate on Airport property. Mr. Carroll stated that he was notified by the City about this which sort of gave them an avenue to extend water and sewer on out to his property at a reduced price. It would be a benefit to everybody but of course, the airplane manufacturer dropped out and the water and sewer never was extended. Mr. Carroll stated that at that time they hired an engineering company, Ben Devane, to come in and to get a cost estimate of what it would take to run the water and sewer to his property. Also in 2007, they went into an agreement with the Lowndes County Unified Land Development program and the Airport Authority and they came to some agreements that totally restricts his property to industrial use. It cannot be changed. They cannot do residential or commercial. It is an industrial piece of property and that is all it ever will be and that is the only intent that they have ever had for it. Mr. Carroll stated that they received again notification that the Airport Authority wanted to extend water and sewer to service some hangars they have. This opened up an opportunity again to come in and join in the development and run the water and sewer to his property. After much discussion, they decided to move forward with the annexation and bring it in. At that time he notified the County and asked them again what the flow rate was and what their intent was. Mr. Carroll stated that he met with them and was told that the flow rate was still below 750 and there was no way that they could do anything to improve it because the FFA restricted them from putting any above ground storage tanks in the area. The closest the County could get to Mr. Carroll was Wild Adventures which would do him no good for water and sewer. So they still do not have water and sewer. One thing that Mr. Carroll wanted to point out was that the County's own specifications required that they have a minimum of 1,500 gallons per minute. At the last notification from the County, he has 670 gallons per minute. The requirement is for 20 pounds per square inch pressure and they had 10 pounds. So they have very, very limited water. Their sewage system is adequate for any household development or residential development or any commercial development but

it will not handle industrial waste. So after meeting with the County that is when Mr. Carroll went ahead and moved forward with the annexation. Mr. Carroll stated that is 20 years of frustration in a few minutes and he apologized. Mr. Carroll stated that he would be glad to answer any questions and Mr. Ben Devane was also present to answer any engineering questions that he could not handle. Councilman Payton stated, for clarity, that the County cannot resolve the issue that Mr. Carroll has with his water. Mr. Carroll stated that is what he has been told. Councilman Payton stated that the agreement with Mr. Carroll they had initially in 1996 where they met the specifications that you agreed upon, they took that away. Mr. Carroll stated that was correct. Councilman Payton inquired as to whether the agreement was contingent upon keeping it for six months or a year and why was it taken away. Mr. Carroll stated that he did not know and he could tell you what he heard. Councilman Payton inquired as to what he heard. Mr. Carroll stated that he heard they had water problems with the wells and that they were not sufficient. Councilman Payton inquired if it was correct, if he understood Mr. Carroll, that the 600 less gallons per minute that he currently has doesn't meet the specifications set forth by the County. Mr. Carroll stated that he did not understand the questions. Councilman Payton stated Mr. Carroll is currently getting less than 700 gallons per minute. Mr. Carroll stated that he is getting 670 gallons per minute. Councilman Payton stated that this does not meet the specifications that the County set forth of 1,500. Mr. Carroll stated that was their minimum and they need 3,000. To have an industrial park with the size buildings that they build today they have to have sufficient water for fire protection and for use. Councilman Payton stated that Mr. Carroll had indicated that the bakery, as well as Home Depot, was possible locations for that site. Mr. Carroll stated that was correct and that he has others. Councilman Carroll stated that his understanding that due to the location of this property with the Airport he is restricted from developing it residentially because of the density issues within an accident potential zone with aircraft. Mr. Carroll stated that was true. Councilman Carroll stated that he was really ham-stringed in that industrial is really it. Mr. Carroll stated that without water and sewer his property has been condemned. Nobody has paid him for it but in reality he has been condemned if he cannot get water and sewer. He read the stuff in the paper this morning and he did not intend to stir up a lot of stuff. He knew nothing about House Bill 489 and no one informed him that there was an issue with that. Mayor Fretti inquired about the wastewater and stated that Mr. Carroll had mentioned the pressure of water supply but he did not mention the quality of water. For instance, in the bakery, they were very keen on the quality of water. They were also keen on the price they would have to pay for water but primarily the wastewater treatment and sewage system needed to be able to handle the high biological oxygen demand (BOD) or they would have had to put in a \$900,000 pre-treatment on their own expense. They wanted a wastewater system that could handle industrial effluent. Mayor Fretti inquired as to whether Mr. Carroll had been approached by any of these people with those concerns as well. Mr. Carroll stated that not by those particular people because those were through the Industrial Authority and he had no direct connection with them. He has been personally involved with another large company and he has since passed on to the Industrial Authority because they would love to locate on this particular piece of property but they cannot because of the sewage. The Industrial Authority is still working with those people on another location. Councilman Head stated that Mr. Carroll mentioned earlier that he had the water and before they took the well down and he inquired as to whether there was any type of agreement with the County as to how long they were to provide what he had grown accustomed to early on. Mr. Carroll stated no sir. It was just agreed upon that they would supply that. There was no agreement and of course, you have to remember that at this time there was no water and sewer on Highway 75 and since then you know they have taken that same line and they have run it to the north end of the County. Councilman Head inquired as to whether Mr. Carroll was given any notice before taking it away. Mr. Carroll stated no sir. Councilman Head inquired about the date of the letter that Mr. Carroll had received from the Industrial Authority where they made the recommendations or suggestions. Mr. Carroll stated that he could get copies of the letter for the Council and he had supplied copies to the Planning Commission and the letter was dated January 26, 1996. Mayor Fretti inquired as to whether Mr. Carroll was a customer and used water and sewer. Mr. Carroll stated that they have no user out there. The sewer line out there is hooked to two residential homes in the area but the water/sewer services that whole quadrant and he was not familiar as to who was actually using it or not using it. Mayor Fretti stated that Mr. Carroll was not. Mr. Carroll stated that he was not and he has no users on the property. If Council has any engineering questions or anything then Mr. Devane would be glad to answer them. Mayor Fretti thanked Mr. Carroll.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2009-38, an Ordinance to rezone 178.83 acres from Heavy Manufacturing and Conservation (M-2 & CON) County to Manufacturing and Distribution and Environmental-Resource (M-2 & E-R) City as requested by Walter Walker Carroll, II, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-39, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3

Consideration of an Ordinance to annex 178.83 acres as requested by Walter Walker Carroll, II (File No. VA-2009-21). The property is located between I-75 and Madison Highway. The Planning Commission reviewed this request at their August regular meeting and recommended approval (8-0).

Mike Martin, Director of Community Development, stated that the applicant is requesting annexation of three parcels containing 178.83 acres from Lowndes County into the City of Valdosta. The parcels are located between I-75 and Madison Highway, just off of Exit 13, and just south of the Valdosta Lowndes County Airport. The annexation is requested to access City water and sewer services to accommodate potential industry. The parcels are contiguous to City limits and annexation will not create an island. Given the property's location to the current City limits, Staff found the request consistent with the Comprehensive Plan and recommended approval of the annexation request. The Planning Commission reviewed this request at their August 31, 2009 regularly scheduled meeting and recommended approval (8-0 vote) based on the request's consistency with the goals and policies of the Comprehensive Plan and the benefit of providing necessary utility capacity so the property may be utilized for development. Councilman Payton inquired as to whether the annexation would create some differences of how House Bill 489 is interpreted. Attorney George Newbern stated that it does create an issue but he did not know what the outcome would be. The county has one viewpoint on that and George Talley, City Attorney, has a different outlook on the issue. This would have to be answered later. Larry Hanson, City Manager, stated that in terms of the annexation there is not an issue. There is a formal process that the County had the right to object and they did not. The Service Delivery issue or the water and sewer issue is certainly one that would have to be discussed with the County.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2009-39, an Ordinance to annex 178.83 acres from Heavy Manufacturing and Conservation (M-2 & CON) County to Manufacturing and Distribution and Environmental-Resource (M-2 & E-R) City as requested by Walter Walker Carroll, II, the complete text of which will be found in Ordinance Book XI.

ORDINANCES AND RESOLUTIONS

AN ORDINANCE TO ESTABLISH THE VALDOSTA SMALL EMERGINING BUSINESS (VSEB) PROGRAM (FIRST READING)

Consideration of an Ordinance to establish the Valdosta Small Emerging Business (VSEB) Program. (First Reading)

Hunter Harper, Valdosta Small Emerging Business Coordinator, thanked the Mayor and Council for the opportunity to present the first reading of the Valdosta Small Emerging Business (VSEB) Ordinance. The program details were discussed at the Work Session and all of the notes and comments will be applied to the program as it gets started. Hunter Harper recommended that Council approve the Ordinance in its first reading.

Mayor Fretti stated this Ordinance will establish the VSEB Program requirements, the City's responsibilities, and the parameters that will guide the Coordinator as the Program is developed and increases and enhances small business participation in the City's procurement process. The Ordinance will have two readings and a vote will ensue at the September 24, 2009 City Council Meeting.

RESOLUTION NO. 2009-25, A RESOLUTION TO ACCEPT A PROPOSAL BETWEEN THE BOYS AND GIRLS CLUB OF VALDOSTA, INC. AND THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) AND APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE DDA

09/10/09 CONTINUED

Consideration of a Resolution to accept the proposal between the Boys and Girls Club of Valdosta, Inc. and the Downtown Development Authority (DDA) of the City of Valdosta to allow the issuance of \$3 million dollars in bond funding through the DDA and for approval of an Intergovernmental Agreement between the City of Valdosta and the DDA.

Larry Hanson, City Manager, stated that there was a presentation at the Work Session and then the DDA met and voted to issue the bonds. The Council has before it tonight for the City to approve an authorizing resolution allowing the DDA to issue the bonds on behalf of the Boys and Girls Club and an Intergovernmental Recreational Agreement between the City of Valdosta and the Downtown Development Authority. The DDA will be the owner of the property and then lease it to the Boys and Girls Club for a period of 25 years. During that 25 years, the Boys and Girls Club will invest nearly \$25 million in the program and contribute approximately \$750,000 per year in operating costs and over the 25 year contract that is \$18,750,000. They will be contributing \$4 million of their own capital for the construction of the building and \$3 million for a permanent operating endowment. They will have contributed \$25 million at the expiration of the contract and when the DDA deeds the property to them. Councilman Head stated that we need to go beyond the normal reporting that will take place in the Valdosta Daily Times because of the significance of this project and what it means to the community. Larry Hanson stated that he agreed and it is great to have a DDA to serve as a conduit and support a non-profit through the issuance of bonds and help them get access to less than 3% money to accelerate the improvements to the new facility.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Resolution No. 2009-25, a Resolution to accept the proposal between the Boys and Girls Club of Valdosta, Inc. and the Downtown Development Authority (DDA) of the City of Valdosta to allow the issuance of \$3 million dollars in bond funding through the DDA, the complete text of which will be found in Resolution Book IV, and for approval of an Intergovernmental Agreement between the City of Valdosta and the DDA.

Consideration of a Resolution to adopt the National Incident Management System and Unified Command System (NIMS).

Fire Chief J. D. Rice stated that in February, 2003, President George W. Bush signed into law a directive requiring all public safety agencies to implement the standardized unified incident command system to remain eligible for federal assistance through grants, contracts or other activities. The State of Georgia soon followed this Presidential Directive by passing (O.C.G.A. 38-3-57) requiring public safety agencies to implement this command system to remain eligible for state reimbursement for any response or recovery related expense. Since 2001, the City of Valdosta Fire Department has received five grants from the Department of Homeland Security totaling over \$1.6 million. Currently, the Fire Department has applied for more than \$5 million in grants from the American Recovery and Reinvestment Act (Stimulus Bill of 2009). The Valdosta Fire Department also has plans to apply for further grants through the Department of Homeland Security Firefighter Assistance Grant Program. Chief Rice recommended that Council approve the Resolution to adopt the National Incident Management System and Unified Command System (NIMS).

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Resolution No. 2009-26, a Resolution adopting the National Incident Management System and Unified Command System (NIMS), the complete text of which will be found in Resolution Book IV.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a bid for the purchase of a 6,000 pound forklift for the Public Works Warehouse (Bid No. 2-09-10).

Greg Brown, Purchasing Agent, stated that the personnel at the warehouse need to replace their existing forklift. The current machine overheats and leaks oil and is used daily for loading and unloading deliveries. Sealed bids were received on August 18, 2009 and Toyota Industrial Equipment was the only vendor to submit a bid in the amount of \$30,036.00 although bids were mailed to five other vendors. The Toyota brand has several safety features that other manufactures have chosen not to include on their current production models. The price offered is below the budgeted amount. Greg Brown recommended that Council approve the bid submitted by Toyota Industrial Equipment in the amount of \$30,036.00 and allow the Public Works Warehouse to proceed with the purchase.

A MOTION by Councilman Payton, seconded by Councilman Head, was unanimously adopted (6-0) to approve the bid submitted by Toyota Industrial Equipment in the amount of \$30,036.00 and allow the Public Works Warehouse to proceed with the purchase.

Consideration of a bid to purchase a regenerative street sweeper for the Public Works Department (Bid No. 4-09-10).

Greg Brown, Purchasing Agent, stated that the Public Works Department is in need of a new street sweeper to assist with their duties and the new sweeper will replace an existing machine that is outdated. The City of Hapeville, Georgia, recently prepared and awarded a competitive bid for the Tymco 600 Regenerative Street Sweeper. This is the exact machine with the same specifications the City of Valdosta would use if we submit bids. Under the newly adopted Purchasing Ordinance, the City has the option to piggy back off of another government's contract with the approval of Mayor and Council. The price offered when the bids were originally done in June, 2009 was \$149,000 from Consolidated Disposal who we have purchased equipment from many times. Due to a price increase, the City will now pay approximately \$164,000 which is \$9,000 over budget for the identical machine if we choose to send bids out instead of piggy backing. Mr. Brown spoke with the three vendors that responded to the City of Hapeville's original bid and they have all confirmed the price has increased. Greg Brown recommended that that Council approve the bid of Consolidated Disposal in the amount of \$149,000 utilizing the bid that was submitted to the City of Hapeville by Consolidated Disposal.

A MOTION by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (6-0) to approve the bid of Consolidated Disposal in the amount of \$149,000 utilizing the bid that was submitted to the City of Hapeville by Consolidated Disposal.

Consideration of a request to approve a contract with CDM Constructors, Inc. for the Water Main Extension Phase 1A Project.

Henry Hicks, Utilities Director, stated that CDM was selected by the City to design a 30-inch water main transmission main to provide redundancy to the City's existing transmission main. The proposed main will be 18,300 feet long and will be constructed along Guest Road, Bemiss Knights Academy Road, Knights Academy Road, Colon Road, and Jaycee Shack Road and terminate at the Inner Perimeter Road intersection. Starting from Inner Perimeter Road, a 6,000 ft long 12-inch ductile iron water distribution main will be constructed along Jaycee Shack Road and connect to the existing water main at Northside Drive. As part of the project, the Georgia and Florida Railway will be crossed 4 times using the jack and bore construction technique. Additionally, jack and bore will be employed to cross Inner Perimeter Road and 2 power easements along the route. The City and CDM secured the funding for this construction from Georgia Environmental Facilities Authority two years ago. CDM was also selected for the Construction Manager at Risk (CMAR) services for the project. CDM Constructors will be responsible for overseeing all construction management, subcontractors, vendors, and suppliers. As part of these services, CDM advertised this project for bid in June and July. A total of 4 packages were advertised. The packages were for pipe supplier, valve supplier, pipeline subcontractor, and jack and bore subcontractor. The bids for pipe supplier and valve supplier were opened on July 15, 2009. The bids for pipeline subcontractor and jack and bore subcontractor were opened on August 13, 2009. The following suppliers and subcontractor were recommended for award based on their bid proposal and qualifications: (1) Pipe Manufacturer – U.S. Pipe Company with a total bid value of \$1,891,854.34, (2) Valve Manufacturer - Consolidated Pipe and Supply Company with a total bid value of \$196,700.75, (3) Pipeline Subcontractor - Standard Contractors with a total bid

value of \$1,392,614.00, and (4) Jack and Bore Subcontractor - Lowest qualified bidder in an amount not to exceed \$667,975.00. The Water Treatment Plant currently has only one transmission main to serve the City. The proposed water main will provide redundancy in addition to serving the City's eastern service area. Furthermore, a local contractor was recommended for the award as it was the lowest, responsive and responsible bidder. Henry Hicks recommended that Council award the contract to CDM Constructors Inc. for a total of \$4,149,144.09 and approve the recommendation of award by CDM for the following: U.S. Pipe for supplying Ductile Iron Pipe, Consolidated Pipe and Supply Company for supplying valves, Pipeline Subcontractor to install all piping to Standard Contractors, Jack and Bore Subcontractor to install all jack and bore crossings to the lowest qualified bidder.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the contract with CDM Constructors, Inc. for a total of \$4,149,144.09 and approve the recommendation of award by CDM for the following: U.S. Pipe for supplying Ductile Iron Pipe, Consolidated Pipe and Supply Company for supplying valves, Pipeline Subcontractor to install all piping to Standard Contractors, Jack and Bore Subcontractor to install all jack and bore crossings to the lowest qualified bidder for the Water Main Extension Phase 1A Project.

Consideration of a request to award the Construction Manager At Risk (CMAR) contract and amend the current CDM contract for design services for the Mud Creek Water Pollution Control Plant expansion and upgrade.

Henry Hicks, Utilities Director, stated that in June, 2005, several firms submitted proposals to the City of Valdosta to assist in the completion and submission of an Environmental Information Document (EID) to assess the environmental impact of the upgrade and expansion of existing wastewater treatment facilities and to complete other projects to design and construct needed facilities, including the Mud Creek Water Pollution Control Plant. In December 2005, the City selected CDM to perform the design services with an option to provide construction management at risk services. The City then issued another Request for Proposals (RFP) entitled "Construction Manager at Risk (CMAR) for the Mud Creek Water Pollution Control Plant." Three teams submitted on June 26, 2009, and two were shortlisted. The two shortlisted teams were Haskell/JJ&G and CDM. After presentations were conducted on July 14, 2009, the City's selection committee and the Mayor and Council unanimously voted for CDM to provide CMAR services at Mud Creek based on qualifications and price. CDM performed the preliminary and final design of the Mud Creek WPCP in January 2008. Final design began in May 2008, and has recently been completed. The expansion will increase the plant capacity from 3.22 mgd to 5.27 mgd (average) flow and a peak flow of 17.1 mgd. In addition, several improvements including newer and more efficient type technologies will be implemented to ensure the plant meets its permit limits and keeps up with technology. The project was designed assuming that State Revolving Fund (SRF) would be used; however, the City has also qualified to receive \$10 million in American Recovery and Reinvestment Act (ARRA) money. The first loan will be a low interest loan from GEFA in the amount of \$22.5 million with a second loan for the remaining difference. The City receives 40% forgiveness on the \$10 million. CDM Constructors will be responsible for overseeing all construction management, subcontractors, vendors, and suppliers and will bid out all portions of the work. The Mud Creek WPCP is currently operating at a capacity of 3.2 mgd and needs to be expanded as soon as possible. Several components of the treatment process are aging and have reached their useful life and need replacing. In addition, the City needs to provide authorization for this work in September since the American Recovery and Reinvestment Act (ARRA) funds will need to start being drawn by November 1, 2009. If the City delays authorization this project could be in jeopardy of losing the "stimulus" money. Henry Hicks recommended that the contracts be awarded to CDM and CDM Constructors Inc. for a total of \$34.9 million.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the Construction Manager At Risk (CMAR) contract and amend the current CDM contract in the amount of \$34.9 million for design services for the Mud Creek Water Pollution Control Plant expansion and upgrade.

LOCAL FUNDING AND REQUESTS

Consideration of a request for a parking variance by Wilson Eye Center.

Von Shipman, City Engineer, stated that the Wilson Eye Center has recently expanded and they are requesting that the City approve four parking spaces off of Cranford Avenue for office personnel to use. This type of parking is not allowed by the Land Development Regulations and the property owner is seeking a variance. Similar requests have been made for other medical offices on Cranford and have been approved. Von Shipman stated that he met with Tom Kurrie, property owner adjacent from the Wilson Eye Center, and he was somewhat aware of this situation but requested that this item be either tabled or postponed until such time that he can speak with Dr. Steve Wilson and come up with some answers to some of his concerns. This could be done the first part of next week and if so it could be on the next Council agenda and if not it will be on the October Council agenda. Von Shipman recommended that Council not act on this agenda item. Mayor Fretti stated that Council would need something time specific and would need either two weeks or thirty days. Von Shipman recommended 30 days. Councilman Eunice stated that he also spoke with Mr. Kurrie and Von Shipman and was hoping that this could be placed on the agenda for the next meeting. Von Shipman stated that agenda items are due next Tuesday and he would meet with Dr. Wilson and Mr. Kurrie on Monday to see if they were in agreement.

A MOTION by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (6-0) to postpone the request for a parking variance by Wilson Eye Center until the second Council meeting in September.

Consideration of a request for the City of Valdosta to act as the financial agent for the Judicial Circuit Byrne JAG Grant administered through the state Criminal Justice Coordinating Council (CJCC).

Police Chief Frank Simons stated that the Judicial Circuit Byrne JAG Grant is administered by the State Criminal Justice Coordinating Council (CJCC). The CJCC has mandated that this grant must be coordinated by and through each of the State's Judicial Circuit District Attorney's Offices. District Attorney David Miller for the Southern Circuit has coordinated with all law enforcement agencies in the Southern Circuit and determined a financial breakdown for each county in the circuit. The Lowndes County portion for the grant is \$178,765.75. Chief Simons, Sheriff Prine, and District Attorney Miller met to discuss how the Lowndes County portion of the grant should be divided. It was decided that both the Lowndes County Sheriff's Office (LCSO) and the Valdosta Police Department (VPD) would use \$25,000 each for investigative technology to assist in criminal investigations and prosecutions. The remaining \$128,765.75 would be dedicated to the Valdosta Regional Crime Lab. Sheriff Prine has decided to use his portion of the funds for other purchases. District Attorney Miller asked that either the City of Valdosta or Lowndes County government act as the financial agent for reporting purposes for this grant for the entire Southern Judicial Circuit. Chief Simons recommended that Council approve the request to act as financial agent for the Judicial Circuit Byrne JAG Grant administered through the State Criminal Justice Coordinating Council (CJCC).

A MOTION by Councilman Head, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the request to act as financial agent for the Judicial Circuit Byrne JAG Grant administered through the State Criminal Justice Coordinating Council (CJCC).

Consideration of a request for a Change Order for the Martin Luther King, Jr. Drive utility improvements.

Von Shipman, City Engineer, stated that the final invoice is being brought to Council for approval because they have exceeded the allocated amount due to additional work that was ordered during the course of the project along with some unforeseen circumstance found during construction. This has been a difficult project but it is now completed and another contractor is working on the second phase of the project. Von Shipman recommended that Council approve the Change Order in the amount of \$34,166.67 to cover the overage for this project.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the Change Order for the Martin Luther King, Jr. Drive utility improvements in the amount of \$34,166.67.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

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

Larry Hanson, City Manager, stated that the term of Gregory Powell on the Hospital Authority of Valdosta and Lowndes County will expire on October 1, 2009. Listed below are the applicants submitted by the Hospital Authority for your consideration and they have recommended that Gregory Powell be reappointed: (1) Gregory Powell - Salesman, Langdale Ford, and (2) Frank Moorman - Retired from the U. S. Air Force, and (3) Dutton Miller - Owner, Miller Hardware.

Mayor Fretti asked for nominations. Councilman Vickers placed in consideration the name of Gregory Powell. There being no other nominations, Mayor Fretti closed nominations. Gregory Powell was appointed by acclamation to serve a term of five years on the Hospital Authority of Valdosta and Lowndes County.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that there will be a 9-11 Remembrance Ceremony tomorrow morning at 8:45 a.m. at Fire Station #1 located at the corner of Oak Street and Savannah Avenue and invited Council to attend.

The St. Augustine and River Street intersection improvement project is being completed and the asphalt work was completed today. The concrete islands will be poured tomorrow and Monday, sodding and grassing next Tuesday, and the project should be completed by the middle of next week. Also, the Northside Drive and Bemiss Road project is nearing completion and the only thing left is some striping. Both of these projects were 100% funded by the Georgia Department of Transportation.

The shelter and restroom facility at the Wood Valley Community Center is officially complete. Also, the Crime Lab Ribbon Cutting will be held in the near future. There will be a new Chick-Fil-A located on Perimeter at Country Club and the City will proceed with improvements to the intersection that Council approved several months ago.

Metro One Night at the Gallery is coming up soon and Mayor and Council should have received an invitation. Dr. Ron Zaccari will be the speaker at this event.

Finally, we continue to be concerned with revenues and the Local Option Sales Tax and we received the report today for June and the fiscal year 2009 is now complete and we actually had a 5% reduction in fiscal year 2009 from fiscal year 2008. We actually collected \$447,000 less in the fiscal year ending June 30th than we did the prior fiscal year. We are continuing to see declines and April was down 22%, May was down 21%, June was down 14% over the same month the prior year. We hope we are at the end of the recession and we had to make some difficult decisions in reducing the budget in anticipation of this.

COUNCIL COMMENTS

Councilman Head stated that he would like for the City and County to combine the 9-11 Observance in 2010.

Councilman Vickers inquired about the sidewalks on Hightower Street to St. Augustine Road. There is a lot of foot traffic on that road and the children walking back from the park are walking in the road. Von Shipman stated that this project has been designed in-house and is ready to be bid out.

Councilman Yost stated that he would like to have an update on the Stormwater Master Plan and FEMA. Also, it is time to spend some money on sidewalks and bicycle paths because he has seen more people walking in the street and riding bikes on the sidewalks. Von Shipman stated that he met today with The LPA Group and they will canvas all of those projects and provide detailed estimates and fast track some of the easier projects. Larry Hanson stated that they have been given 42 projects and a number of those are sidewalks. Council helped to prioritize the sidewalk projects and these will be spread out throughout the entire City.

COUNCIL COMMENTS (CON'T)

09/10/09 CONTINUED

Councilman Head stated that he would like to see if the area near Harvey's Supermarket on Bemiss north to Northside Drive is on the list. A woman who was walking on the curb in that area was almost hit by a car. Von Shipman stated that they have done an aerial survey up to Pineview Drive and this would be a good step in the right direction as they proceed north.

ADJOURNMENT

Mayor Fretti entertained a motion to adjourn the Council meeting and enter into an Executive Session for the purpose of discussing real estate and litigation.

A MOTION by Councilman Head, seconded by Councilman Eunice, was unanimously adopted (6-0) to adjourn the September 10, 2009 meeting of the Valdosta City Council at 7:12 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:29 p.m. and stated that there was discussion of real estate and potential litigation in the Executive Session.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the acquisition of property for the Martin Luther King, Jr. Memorial Park and to authorize the City Manager to purchase these properties at the prices that were presented to Council in Executive Session.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the September 10, 2009 meeting of the Valdosta City Council at 7:30 p.m. to meet again in regular session on Thursday, September 24, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta