

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, SEPTEMBER 11, 2008
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, Alvin Payton, Willie Head, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Pastor Willie Beasley, of Park Avenue United Methodist Church, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE SEPTEMBER, 2008 EMPLOYEE OF THE MONTH AWARD

Mayor Fretti entertained a motion for the September, 2008 Employee of the Month Award.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the September, 2008 Employee of the Month Award.

Mayor Fretti presented the September, 2008 Employee of the Month Award to Frank Brown, Public Works Department.

Frank Brown began his employment with the City of Valdosta in April, 1980 as a Mechanic Helper. In July, 1985 he was promoted to the position of Welder/Small Engine Mechanic which is the job he currently holds. As a Small Engine Mechanic, he is responsible for the service and repair of equipment such as mowers and trimmers. Frank is also a Welder and repairs dumpsters, rebuilds mower decks, and completes any special projects or routine assignments requiring welding experience. However, the morning of July 16, 2008 was anything but routine. At 6:38 a.m., the Public Works Department received a call from Brooks County 911 informing them that their employee Frank Brown would be late for work. As the story unfolded, it was evident this was one time when a tardy was completely justified. As Frank was on his way to work, he noticed a plowed up area on the side of the road and tire tracks leading into a wooded area. As he slowed down for a closer look, he saw what appeared to be a car wheel sticking out above the top of some brush. When he went into the wooded area to investigate, he found a car turned upside-down and a woman pinned underneath. Although it was evident that the woman had been there for some time, perhaps overnight, he could hear faint breathing and immediately called 911. Frank stayed at the scene to render assistance until the ambulance arrived and transported the woman to South Georgia Medical Center. Throughout his long career with the City, Frank has always been willing to step in, help out, and go the extra mile. This carries over into his personal life too as was evident when he went the extra mile to help an accident victim. For these reasons and many others, the Employee Relations Committee nominated Franklin Brown, Jr. as Employee of the Month.

PRESENTATION FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY

Presentation from the Governor's Office of Highway Safety.

Commander Brian Childress of the Valdosta Police Department introduced the following Police Officers: Sgt. Earl Durrance, Traffic Enforcement Unit, Officer Alvin May, Traffic Officer and part of the HEAT Unit, Officer Joe Gosseck, Traffic Enforcement Unit, Officer Chad Eason, Traffic Enforcement Unit, Officer Bret Williams, Traffic Unit, Officer John Chamberlain, Traffic Unit, Officer J. B. Jones, Traffic Unit and HEAT Unit, and Officer June Gartman, Traffic Unit. Commander Childress stated that he had previously met with Von Shipman, City Engineer, and Police Chief Frank Simons to discuss ways to reduce traffic accidents in the City and save lives and since 2005, accidents and fatalities in the City of Valdosta have been reduced. There were ten fatalities in 2005, three in 2006, one in 2007, and none to date in 2008. Traffic accidents in 2007 were reduced by

8.1% from 2006 and the total number of crashes in 2007 was 1,939 compared to 1,949 in 1993. Commander Childress stated that he contacted Scarlett Woods with the Governor’s Office of Highway Safety and shared those statistics and intervention methods used by the City of Valdosta and now the Governor’s Office of Highway Safety is using this as a model. The Governor’s Office of Highway Safety also presented the City of Valdosta Police Department and the Highway Enforcement of Aggressive Traffic (HEAT) Unit with a Certificate of Appreciation in recognition of the outstanding highway safety contributions, accomplishments, dedication, and support while educating the public in an effort to save lives on Georgia roadways. Commander Childress thanked the Mayor and Council, Larry Hanson, City Manager, Police Chief Frank Simons, and Von Shipman, City Engineer, for their support of this effort.

Sergeant Earl Durrance, Coordinator for the South Georgia Regional Traffic Enforcement Network, stated that Valdosta is now a metropolitan area with 375 miles of roadway within the City. The Police Department has equipped their Staff and trained a Traffic Unit to deal with those past traffic fatalities which reduced that number to one in 2007. Sergeant Durrance stated that this could not have been done without the support of the Mayor and Council, the City Manager, the Police Chief, and the City Engineer and it is very much appreciated.

APPROVAL OF MINUTES

The minutes of the August 21, 2008 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Michael Weigart, 6812 Sparkling Way, Wesley Chapel, Florida, stated that he retired from the U. S. Air Force in 2006 and currently owns property in Wood Valley which is rented to four college students. Mr. Weigart decided to rent his four bedroom house when he moved to Tampa after receiving a call from Judge Richard Cowart who stated that his son and three students from Marietta would be great tenants for the house. Mr. Weigart received a letter on August 25, 2008 from City Marshal, James Dean, which stated that he was in violation of an ordinance and he would have to reduce the number of tenants to three. Mr. Weigart stated that he was not aware of the ordinance and felt that it was a little outdated and needed to be adjusted. The students have lived there for one year and the lease was renewed in May. The City Marshal gave Mr. Weigart an extension because of his situation in living in Tampa and having to reduce the number of tenants at the beginning of the school year. None of the students from Marietta are related so there would be issues of having to relocate their children in the middle of a school year. Mr. Weigart had inquired about an extension to the end of the school year or semester because of the burden on his tenants. If there was concern among the neighbors about the college students bringing property values down, he has a good friend who watches the house and drives by on a weekly basis. Mr. Weigart stated that his concern in renting the house was for his neighbors, the late Buford McRae and his wife. He has not received any specific complaints about the house and noted that there have been some complaints about other houses in the neighborhood which has created the issue. Mr. Weigart asked Council’s consideration in readdressing the ordinance to match houses with the number of tenants who could live there. Mayor Fretti stated that Council would follow the lead of the City Attorney on this issue. Councilman Eunice inquired as to whether all four college students were still living in the house. Mr. Weigart stated that he has a 30-day extension and has until October 25, 2008 to do something.

PUBLIC HEARINGS

ORDINANCE NO. 2008-39, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4

Consideration of an ordinance to annex and rezone 7.9 acres from General-Commercial (C-G) and Highway-Commercial (C-H) County to Community-Commercial (C-C) and Highway-Commercial (C-H) City as requested by the City of Valdosta (File No. VA-2008-29). The properties are located on the west side of Bemiss Road just south of Cherry Creek Church Road (aka Creek House Drive). The Planning Commission reviewed this at their regular August meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting annexation and rezoning of 7.9 acres from General Commercial (C-G) and Highway Commercial (C-H) County to Community Commercial (C-C) and Highway Commercial (C-H) City. Eight parcels currently receive water and/or sewer service from the City of Valdosta and this annexation would also include a ninth parcel (Parcel No. 0146A 94G, 0.05 acres) which is the City of Valdosta’s pump station. In accordance with the Extraterritorial Water/Sewer Service Agreement made between the original property owner and the City, the properties are to be annexed at such time as they are contiguous to the City of Valdosta City limits. Due to recent annexations in the area, the properties are now contiguous. The City has received signed letters from all but one of the property owners requesting annexation and rezoning in order to stay compliant with the Extraterritorial Agreement. The City is utilizing the 60% method of annexation as permitted by the State of Georgia (O.C.G.A. 36-36-30 through 36-36-40). This method requires the City to receive written request from at least 60% of the property owners and 60% of the total land owners and the City has received such requests. Each property owner is aware of the zoning they will receive once annexed into the City. The existing and permitted uses of the properties will remain the same. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. Anne-Marie Wolff stated that if Council approves the request, the following verbiage must be stated in the motion per the State of Georgia Code, “The annexation is in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the City.” The Planning Commission reviewed this request at their August regular meeting and found the request consistent with the Comprehensive Plan and with the previously agreed upon Extra-Territorial Agreement and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Eunice, was unanimously adopted (7-0) to enact Ordinance No. 2008-39, to annex and rezone all nine parcels (7.95 acres) from General-Commercial (C-G) and Highway-Commercial (C-H) County to Community-Commercial (C-C) and Highway-Commercial (C-H) City which is in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the City as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2008-40, AN ORDINANCE FOR FLOOD DAMAGE PREVENTION

Consideration of the adoption of a new Flood Damage Prevention Ordinance.

Von Shipman, City Engineer, stated that the City is required by the Federal Emergency Management Agency (FEMA) to adopt a revised Flood Damage Prevention Ordinance by September 26, 2008 in order to continue to be eligible in the National Flood Insurance Program (NFIP). There are no major changes in the model ordinance and our existing ordinance. In August, 1983, a Flood Insurance Rate Map (FIRM) was issued that identified Special Flood Hazard Areas (SFHAs) in the City of Valdosta. The original maps were difficult to interpret due to the scale (1”= 1,000’). Over the last five years, using Homeland Security funding, FEMA embarked on a program to create both a hard copy and an electronic version of the flood map that shows the entire County including individual communities that are part of the NFIP. The elevations were carefully digitized on aerial photography using existing two foot contour maps so the information can be easily displayed on the VALOR Geographical Information System. The location of the 100-year floodplain can now be viewed more accurately. Von Shipman also recommended that the City continue to use two feet as the minimum floor elevation above the base flood elevation instead of the one foot that is recommended by FEMA. Because the City does not have many appeal cases, the Mayor/Council is listed as the authority for people to appeal decisions made by the City Engineer. The City had a Flood Damage Prevention Board at one time but it was eliminated when the last revision to the ordinance was approved. Von Shipman recommended that Council approve the request to adopt a new Flood Damage Prevention Ordinance. Larry Hanson, City Manager, asked that a link be provided for the Ordinance on the City’s website. Von Shipman stated that because the City is a participant we may be eligible to receive additional discounts for citizens who are located in the flood prone areas.

A **MOTION** by Councilman Eunice, seconded by Councilman Head, was unanimously adopted (7-0) to enact Ordinance No. 2008-40 and approve the revisions to the Flood Damage Prevention Ordinance as presented by the City Engineer, the complete text of which will be found in Ordinance Book XI.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Mayor Fretti asked Council to consider Agenda Items 7(a) through 7(h) under a Consent Agenda. Greg Brown, Purchasing Agent, informed Council that all of the items up for bid were approved by Council in the current year budget and asked Council's consideration in following the recommendation of the Purchasing Agent if all of the following bids were accepted at one time: (1) Item 7(a) - Consideration of bids for a roll off container truck for the Public Works Department (Bid No. 4-08-09) – the low bid was submitted by Tri-State Peterbilt in the amount of \$114,951, (2) Item 7(b) - Consideration of bids for eight sway car trailers for the Public Works Department (Bid No. 7-08-09) – the only bid was submitted by Clanton's Welding in the amount of \$11,178 each or a total of \$89,424 for eight, (3) Consideration of bids for three leaf machines for the Public Works Department (Bid No. 8-08-09) - the low bid meeting specifications was submitted by ODB in the amount of \$51,579, (4) Consideration of bids for two John Deere Gators with finishers for the Parks and Recreation Authority (Bid No. 9-08-09) – the low bid was submitted by Stafford Equipment in the amount of \$13,700, (5) Consideration of bids for five utility vehicles for the Cemetery and the Parks and Recreation Authority (Bid No. 10-08-09) – the low bid was submitted by Valdosta Power Sports in the amount of \$39,135, (6) Consideration of bids for four tractors for the Public Works Department (Bid No. 11-08-09) – the low bid was submitted by Stafford Equipment in the amount of \$75,480, (7) Consideration of bids for four zero turn mowers for the Parks and Recreation Authority (Bid No. 12-08-09) – the only bid was submitted by Powerhouse Outdoors in the amount of \$35,543.64, (8) Consideration of bids for a tractor for the Parks and Recreation Authority (Bid No. 13-08-09) – the low bid was submitted by Farmer's Tractor in the amount of \$16,365.

A **MOTION** was made by Councilman Head to approve the bids recommended by the Purchasing Agent under a Consent Agenda for Agenda Items 7(a) through 7(h). Councilman Yost seconded the motion. Councilman Payton asked that the Minutes reflect that Agenda Item 7(f) is a budgeted item even though it was not noted on the Agenda Item document. The motion was unanimously adopted (7-0).

Consideration of a request to approve a Change Order for the Norman Drive Sanitary Sewer Project.

Von Shipman, City Engineer, stated that this is a sewer line that Council approved to be constructed on the west side of Norman Drive from the Lowndes High School entrance to the Lowe's drive. There were originally some easement problems and some utility lines that were unknown until the time of construction. Some field adjustments were made and funds had to be expended that would not have had to be spent otherwise. This will become a cost recovery fee ordinance where the cost will be borne by the property owners receiving the service and will come before Mayor and Council at a future meeting. The extra costs of \$27,519.35 will be split among the property owners and there will be no cost to the City. The project has been completed and several businesses are already open. Von Shipman recommended that Council approve the Change Order in the amount of \$27,519.35.

A **MOTION** by Councilman Payton, seconded by Councilman Head, was unanimously adopted (7-0) to approve the Change Order in the amount of \$27,519.35 for the Norman Drive Sanitary Sewer Project.

Consideration of a request to approve a Change Order for roof repairs or replacement to the Crime Lab.

Mayor Fretti stated that a situation may exist with the Change Order for roof repairs or replacement to the Crime Lab and Council will meet in Executive Session to discuss pending or possible litigation. Mayor Fretti asked that Council lay this request on the table until they come out of Executive Session and then vote to take it off the table and take action.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to lay the request for a Change Order for roof repairs or replacement to the Crime Lab on the table.

RESOLUTION NOS. 2008-14 AND 2008-15, REVISED RESOLUTIONS FOR DOWNTOWN DEVELOPMENT REVOLVING LOAN FUND (DDRLF) FOR 101-103 SOUTH PATTERSON STREET AND 106-108 WEST HILL AVENUE

Consideration of a request to approve a revised resolution for Downtown Development Revolving Loan Fund (DDRLF) for 101-103 South Patterson Street (Randall Crews, Crews Properties LLC).

Jan Sanchez, Main Street Director, stated that this DDRLF project in the amount of \$630,000 for restoration of the building located at 101-103 South Patterson Street, was brought before Mayor and Council on July 10, 2008 for approval. The loan request was for \$250,000 at 2% interest. After receiving approval from the Mayor and Council, Staff proceeded with completion of the packet and submitted it to the Georgia Department of Community Affairs (DCA). Recently, Alan Dickerson, who is responsible for the DDRLF Program for DCA, contacted the City of Valdosta and noted that their policy had changed and the wording in the original resolution that had previously been approved would need to be amended. The Central Valdosta Development Authority was creating the application and the City was seeking Council’s approval in support of this effort to receive a loan award for a private individual. Jan Sanchez stated that this was the same DDRLF that Council approved in July and only the resolution was revised to reflect the change in wording. Larry Hanson, City Manager, inquired as to whether this change would also apply to the resolution for Agenda Item 8(b) - Consideration of a request to approve a revised resolution for the Downtown Development Revolving Loan Fund (DDRLF) for 106-108 West Hill Avenue (The Roberts Building, LLC-Richard Barnett, Martha W. Barnett, Fred McCord, and Celine H. Gladwin). Ms. Sanchez stated that this would apply to that Agenda Item also.

A MOTION by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve Agenda Items 8(a) and 8(b) and enact Resolution Nos. 2008-14 and 2008-15 for 101-103 South Patterson Street (Randall Crews, Crews Properties LLC) and 106-108 West Hill Avenue (The Roberts Building, LLC-Richard Barnett, Martha W. Barnett, Fred McCord, and Celine H. Gladwin), the complete text of which will be found in Resolution Book IV.

Consideration of a request to apply for grant funds for the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) for Local Jurisdictions Award.

Larry Hanson, City Manager, stated that this request will authorize the City to accept 100% of the funds available for the Lowndes County Sheriff’s Department. They have agreed to allow the City to have the portion they would be entitled to so the City is eligible to receive \$12,932. Larry Hanson recommended that Council approve the request and allow the City to authorize the grant award and agree to accept it from the Bureau of Justice Assistance.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to allow the City to authorize the grant award for the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) for Local Jurisdictions and agree to accept it from the Bureau of Justice Assistance.

CITY MANAGER’S REPORT

Larry Hanson, City Manager, stated that the next tour of City facilities is scheduled for October 11, 2008 and the areas that will be visited are in Council Districts for Councilman Head and Councilman Wright, and City-wide for Councilman Eunice and Mayor Fretti. The tour will end with a luncheon.

Councilman Yost had requested that the Internet service for Council be switched from Mediacom to Bell South due to issues with Mediacom. The equipment has been ordered and Steve Carter, IT Manager, will contact each Council member to schedule a date to switch out the router.

The Land Development Regulations will be heard by the Planning Commission on September 29, 2008 at their regular meeting and it will come before Mayor and Council on October 9 with a final reading and adoption on October 23, 2008. The document will become effective January 1, 2009.

There will be a 911 Ceremony tonight at 7:00 p.m. at the First Baptist Church and Council is invited to attend.

COUNCIL COMMENTS

Councilman Vickers inquired as to whether the City has reviewed the regulations to ensure that cookers will not be allowed in a residential area like they have on Savannah Avenue in the future. Larry Hanson, City Manager, stated that this would not be allowed to occur today.

Councilman Payton thanked the Mayor, Larry Hanson, City Manager, and Mayor Pro Tem Willie Head for judging the essay contest for the Adult Education Program at Valdosta Technical College.

Councilman Yost thanked the City Staff for their efforts in clearing the streets and land during the recent storm and noted that the citizens in his district were very appreciative of the great job done by the City Staff.

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 possible or pending litigation.

A MOTION by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (7-0) to adjourn the September 11, 2008 meeting of the Valdosta City Council at 6:21 p.m. and enter into Executive Session.

Mayor Fretti left the Executive Session at 6:50 p.m. to attend a previously scheduled event and Mayor Pro Tem Head reconvened the regular City Council meeting at 7:16 p.m.

A MOTION by Councilman Payton, seconded by Councilman Eunice, was unanimously adopted (7-0) to take Agenda Item 7(j), Consideration of a request to approve a Change Order for roof repairs or replacement to the Crime Lab, off the table.

George Talley, City Attorney, stated that Council has discussed the matter, provided alternatives, and he felt that it was wise for the City to move forward with repairing or replacing the roof and asked Council's consideration in approving a motion to that effect.

A MOTION was made by Councilman Eunice to approve the request as stated by the City Attorney. Larry Hanson, City Manager, asked that the motion be read for legal purposes.

AN AMENDED MOTION was made by Councilman Eunice to issue a Change Order for up to \$360,000 to allow the contractor to install a new roof on the Crime Lab. Following the receipt and review by the City Engineer of three written bids provided by the contractor, the Change Order is for direct cost of the roof and engineering fees only and no architectural fees. The final determination as to payment responsibility for the Change Order which includes payment for lost work time of the contractor will be based on a legal review by the City Attorney and legal actions as his findings may determine. Councilman Wright seconded the amended motion. Councilman Yost asked for a point of order. Councilman Yost stated that he thought there was a second to the motion made by Councilman Eunice prior to the amended motion. Mayor Pro Tem Head stated that there was not a second made to the initial motion. The amended motion was unanimously adopted (7-0).

Mayor Pro Tem Head entertained a motion for adjournment.

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the September 11, 2008 meeting of the Valdosta City Council at 7:21 p.m. to meet again in regular session on Thursday, September 25, 2008.