

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, SEPTEMBER 24, 2009
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Councilman Robert Yost stated that Mayor John Fretti had been out of town and was currently traveling back to Valdosta and two Council members were attending an out-of-town conference. Being the senior Council member in attendance, Councilman Yost asked Council to entertain a motion to nominate a Council member to preside over the meeting until the Mayor arrives.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (4-0) to nominate Councilman John Eunice to preside over the Council meeting.

Councilman John Eunice called the regular meeting of the Valdosta City Council to order at 5:35 p.m. Council members present were: Tim Carroll, Alvin Payton, Jr., Robert Yost, and James Wright. Councilman Sonny Vickers and Councilman Willie Head, Jr. were absent. The invocation was given by Councilman James Wright, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

The minutes of the August 31, 2009 Rescheduled Meeting and the September 10, 2009 Regular Meeting were approved by unanimous consent (4-0) of the Council.

CITIZENS TO BE HEARD

Dr. Steve Wilson, 3898 Kinderlou Forrest, stated that Von Shipman, City Engineer, had previously spoken to Council about the exception he was requesting for parking spaces on Cranford Avenue next to Wilson Eye Center. The City Engineer was in favor of it and Councilman Robert Yost had asked that Dr. Wilson contact Tom Kurrie who lives across from Wilson Eye Center. Dr. Wilson stated that he spoke with Mr. Kurrie and his wife and they were in agreement for an exception for the parking spaces. Mr. Kurrie did request that some additional hedging be planted and he wanted curbs and not signs that indicated employee parking. Dr. Wilson agreed to Mr. Kurrie's request and asked Council's consideration in granting the exception. Councilman Eunice inquired as to whether Dr. Wilson was in favor of the City Engineer's recommendation to the Council tonight. Dr. Wilson stated that was correct but he was under the impression that this was an exception and not a variance. George Talley, City Attorney, stated that was correct. Councilman Eunice stated that it was listed on the Agenda as a parking variance. George Talley stated that it was really either one and they are varying the terms of it but making an exception to do it.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2009-40, AN ORDINANCE TO ESTABLISH THE VALDOSTA SMALL EMERGING BUSINESS (VSEB) PROGRAM

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

Hunter Harper, VSEB Coordinator, stated that a goal of the Mayor and Council was to establish a program to support small and emerging businesses in the City of Valdosta. After extensive research in other communities, the Valdosta Small Emerging Business (VSEB) Program was created to build capacity and remove barriers for small and minority businesses and to provide opportunities for qualified small emerging businesses to conduct business in the City of Valdosta. All questions and suggestions by Council at the Work Session and at the First Reading of the Ordinance have been noted and will be applied as the VSEB Program moves forward. Hunter Harper recommended that Council approve the VSEB Ordinance. Councilman Payton inquired as to the feedback from the business community. Hunter Harper stated that he has received positive feedback; however, there was

some confusion as to the purpose of the program and what exactly would be done. The message is that the program will identify and remove any barriers that would prevent small businesses from participating in the City's procurement process which includes access to capital, certain educational shortcomings, and any structural boundaries that may exist. The Program will establish a solid and sustainable program for the next two years to address those issues. Councilman Payton inquired as to whether Valdosta State University and Valdosta Technical College been supportive in providing educational training. Hunter Harper stated that both were supportive. The Continuing Education Department at Valdosta Technical College is available and the Small Business Development Center has offered various resources for putting together workshops and bringing individuals within their network to offer assistance.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (4-0) to enact Ordinance No. 2009-40, an Ordinance to establish the Valdosta Small Emerging Business (VSEB) Program, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-41 AND RESOLUTION NO. 2009-27, AN ORDINANCE AND RESOLUTION TO AMEND THE URBAN REDEVELOPMENT PLAN BOUNDARIES, ENTERPRISE ZONES, AND OPPORTUNITY ZONE AREAS

Consideration of Amendments to the Urban Redevelopment Plan Boundaries, Enterprise Zones, and Opportunity Zone Areas Ordinance and Resolution.

Mara Register, Assistant to the City Manager, stated that the City previously submitted a request to the Georgia Department of Community Affairs (DCA) for approval of the proposed Urban Redevelopment Plan and Boundaries, and the proposed Enterprise Zones and Opportunity Zones. The DCA Staff reviewed the request and requested additional information relating to the proposed areas. During that same time, there were some new regulations from the Georgia General Assembly regarding the criteria to be used at looking not only Enterprise and Opportunity Zones but also tax allocation districts. The original criteria set forth from DCA to determine Enterprise and Opportunity Zones is as follows: (1) Pervasive poverty, (2) Unemployment rates, (3) Under development, (4) General distress, and (5) General blight. Staff brought forth the proposed zones utilizing the original criteria. Since that time there have been two site visits from DCA Staff and Ruby Riesinger, Economic Development Coordinator, has worked diligently to get this new revision to Council. DCA, utilizing the new criteria that has come from the Georgia General Assembly, has now stated that they lean more toward those areas that can show substantial blight as opposed to under development and that is the basis for these revisions. The Perimeter Road zone was eliminated, the area that was the Designated Revitalization Area (DRA) remains completely intact as previously presented, and the Bemiss-Ashley corridor was narrowed somewhat but also allowed the addition of some adjacent areas such as the Castle Park development. The Highway 84 corridor on the west side was refined along with the James Road corridor, and the Mall area east of the Interstate was taken out. All of these revisions have been carefully reviewed at several levels by DCA and we are confident that DCA will give final approval with these revisions. There were no changes to the Matrix but the City is giving additional points for those entities who hire people living within the DRA to help boost employment rates in that area. Mara Register asked Council's consideration in approving the Amendments to the Ordinance and Resolution with the new designated areas to send to DCA. Councilman Yost stated that he thought when Council first approved this that the Mall area between St. Augustine Road, Baytree Road, and Gornto Road was part of the designated area. Mara Register stated that was correct and it was in the James Road zone. That was one of the areas that DCA felt could not be substantiated as blight conditions but could clearly show the blight conditions adjacent to the James Road zone that was west of the Interstate. Councilman Yost inquired as to whether DCA cared about the other items that we did meet. Mara Register stated that they looked at all of the areas and we had to meet the pervasive poverty threshold of 15% and then they looked at the under development, general stress, and general blight; however, because of these changes by the General Assembly, greater weight is given to the blight issue. Councilman Yost stated that he felt that area should be included. Larry Hanson, City Manager, stated that DCA acknowledged that the ones they previously approved would have been approved but based on the decision of the Legislature they were now applying a new standard after the fact. There is still of a lot area and opportunities in adopting this and there are several projects in the Urban Redevelopment Area that are viable candidates and want to take advantage of this. Councilman Yost stated that there is one side of Baytree Road up to Melody Lane that is included and inquired about the other side of Baytree Road in that same area. Mara Register stated that all of these

areas have to meet the first criteria of pervasive poverty. The area north of Baytree Road did not meet that threshold. Councilman Wright stated that he felt they should move forward with the project and Staff would continue to work to get those areas included. He would hate for the City to miss this great opportunity because there were some areas that Council wanted in there that are now excluded. Larry Hanson stated that DCA focused more on properties in deteriorated condition, which was their definition of blight, and in need of new investment more so than undeveloped property even though the specific language in the statute says that undeveloped property is eligible and legal. Councilman Wright stated that 52% of all crimes committed in Valdosta are in the areas shown on the map and 10% is in the under developed areas so there is a great need for this in those areas. Larry Hanson stated that DCA has not stated that they would not approve the previous submittal but they had questions about it; however, DCA did say they would approve the areas before Council tonight. Councilman Carroll stated that this is not what Council had hoped for but this is still a great project and proposal. Larry Hanson stated that DCA was so impressed with the Matrix we created they are now sharing that and using it as a model for other communities. Mara Register stated that in the near future Ruby Riesinger will come before Council to establish the Economic Development Commission.

A **MOTION** by Councilman Wright, seconded by Councilman Carroll, was unanimously adopted (4-0) to enact Ordinance No. 2009-41 and Resolution No. 2009-27, an Ordinance and Resolution to amend the Urban Redevelopment Plan Boundaries, Enterprise Zones, and Opportunity Zone Areas, the complete text of which will be found in Ordinance Book XI and Resolution Book IV.

RESOLUTION NO. 2009-28, A RESOLUTION OF SUPPORT FOR THE 2010 CENSUS

Consideration of a Resolution of Support for the 2010 Census.

Larry Hanson, City Manager, stated that every ten years we are required to have a national Census count and the 2010 Census is on the horizon. The U. S. Census Bureau wants to ensure that everyone is counted and they are developing partnerships with state, local, and tribal governments, community-based organizations, faith-based groups, schools, businesses, the media, and many others. There are many things that are determined by the Census so it is important for our community and region to have the most accurate count that we can. All Federal funding is based on the Census and includes everything from the reapportionment of Congressional seats to local districts as well as funding for the Community Development Block Grant and libraries. Traditionally, there are certain populations that are undercounted so we are forming a local Complete Count Committee through the Chamber of Commerce. They will be meeting in late September to begin the kick-off campaign to encourage people to be counted. The official date for the Census is April 1, 2010 and everyone will receive a short form with 12 questions. The Census information cannot be used by any other agency and can only be used by the Census Bureau for statistical purposes for a period of 96 years. The U. S. Census Bureau is asking for our support of this effort by adopting a Resolution of Support. Larry Hanson recommended that Council approve the Resolution of Support for the 2010 Census.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (4-0) to enact Resolution No. 2009-28, a Resolution of Support for the 2010 Census, the complete text of which will be found in Resolution Book IV.

RESOLUTION NO. 2009-29, A RESOLUTION FOR THE CLEAN WATER STATE REVOLVING FUND ADMINISTERED BY THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (GEFA) FOR THE MUD CREEK TREATMENT PLANT PROJECT

Consideration of a Resolution for the Clean Water State Revolving Fund administered by the Georgia Environmental Facilities Authority (GEFA) for the Mud Creek Treatment Plant Project.

Mark Barber, Deputy City Manager of Administration, stated that the \$45 million Mud Creek Expansion Project was to be fully funded through State Revolving Fund (SRF) and administered through GEFA in two phases. A Resolution by the City Council is required in order to qualify for the first phase of this loan. With the recent availability of Federal Stimulus Funding under the American Recovery and Reinvestment Act for such projects, the City of Valdosta made application and was selected to receive Stimulus Funding in the amount of \$10,000,000

toward this project and \$4,000,000 of the Stimulus Funding is forgiven with the remaining \$6,000,000 as a loan through SRF. The proposed Resolution is required by GEFA. This Resolution is the City's acknowledgement of its responsibilities and obligations of the loan agreement. As a result of receipt of Stimulus Funding, the City now has an additional \$10,000,000 in future SRF Funding for potential use. Mark Barber recommended that Council approve the Resolution for the Clean Water State Revolving Fund administered by the Georgia Environmental Facilities Authority (GEFA) for the Mud Creek Treatment Plant Project.

A MOTION by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (4-0) to enact Resolution No. 2009-29, a Resolution for the Clean Water State Revolving Fund administered by the Georgia Environmental Facilities Authority (GEFA) for the Mud Creek Treatment Plant Project, the complete text of which will be found in Resolution Book IV.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for Phase III utilities extension for River Street and St. Augustine Road.

Von Shipman, City Engineer, stated that as part of the Island Annexation agreement in 2006, the City was required to extend water and sewer into all the former islands by December 31, 2013. A stipulation was included that provided an opportunity for property owners to be served by 2009 if the majority of larger islands were in support. River Street and St. Augustine Road, known as Phase III, is one of the islands to be served. Plans were prepared by ASA Engineering. Bids were received on September 15, 2009 and the low bid was submitted by Standard Contractors in the amount of \$420,190.25 with a 10% contingency. The Engineering Department's estimate was \$539,812.50. Von Shipman recommended that Council approve the low bid submitted by Standard Contractors in the amount of \$420,190.25 plus a contingency of 10% to handle any unforeseen circumstances. Councilman Payton inquired as to whether this was the final phase. Von Shipman stated that this area was part of the 77A group and they have completed the 77B group which is nearby. There is also an area under construction off of Cherry Creek Road and they will be advertising for the section behind Winn Dixie near the Five Points area. They will also be evaluating the other islands to determine the timing for those former islands to be served with water and sewer.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (4-0) to approve the low bid submitted by Standard Contractors in the amount of \$420,190.25 plus a 10% contingency to handle any unforeseen circumstances for the Phase III utilities extension for River Street and St. Augustine Road.

Consideration of bids for renovations to the Valdosta-Lowndes County Parks and Recreation Authority Community Center and Gymnasium.

Von Shipman, City Engineer, stated that in June, 2008, the City purchased the Abundant Life Church of God located at 1901 North Forrest Street in order to renovate it and use it as a Community Center and to house the Parks and Recreation Authority. The firm Richard Hill and Associates (RHA) was hired to do the architectural service for the renovation. The bid tabulation results were received on September 17, 2009 and the RHA breakdown showed a base bid by Hutchinson at \$744,000, the next bid was \$125,000 higher, and the highest bid was \$961,000. They do have a deduction for a canopy situation and the net base bid was \$681,000. There was also money added for asbestos removal, an architectural fee, and another small add-on for the ECG Network Low Voltage Proposal that was bid out separately. The adjusted contract amount is \$770,910 plus a 10% contingency to handle any unforeseen issues. The total of the contract was \$848,000. Larry Hanson recommended that Council approve the bid submitted by RHA in the amount of \$770,910 plus a 10% contingency. Larry Hanson stated that the Parks and Recreation Authority has made a decision to locate their administrative offices there which is \$119,950 of this bid. They will meet with the Authority regarding that portion of the bid. Councilman Eunice inquired as to whether there would need to be any other verbiage in the motion to address what the City Manager had mentioned. Larry Hanson stated that the motion should state that we will meet with the Parks and Recreation Authority concerning the payment for the \$119,950 just prior to the contractor starting in that area. He did not anticipate a problem with that and they just need to meet and talk through it. Councilman Yost stated that was great to accomplish something that the Councilman in that district wanted and needed but he had a problem with the \$119,950 because that is something that should be a joint project between the City and the County or paid for by the Authority. The Authority had offices in City Hall and could have stayed here but they are moving their offices.

The problem is not with them moving their offices but the fact that we are going to foot the tab for an Authority that represents this entire County. The Authority should foot the tab or it should be a joint venture between the bodies who are in control of the Authority. Councilman Yost stated that they should approve what it costs to renovate the building for what they wanted it for originally and let the Authority work out the funding for the offices. If someone could tell Councilman Yost why the City is footing the bill for the Authority's offices when they had them here at City Hall without being charged then he might be swayed. Councilman Yost stated that he was not against the project but was against the citizens of the City absorbing the entire cost of an Authority's offices. The Industrial Authority did not come before Council and ask us to build their offices and the Airport Authority has not done it so someone needs to tell him why the City is paying for these offices. His suggestion would be to eliminate that portion of the cost and let them pick it up. Councilman Wright stated that he was excited about this opportunity for that area and he would be in favor to get the Authority in the offices and then discuss the \$119,950. He was hopeful that the Authority would help out with that but wanted to move the project forward. Councilman Wright stated that the majority of the money they are spending is for data equipment, alarm, and rewiring. Larry Hanson stated that the plan is identical to what they had previously said and the majority of the money is being spent in the gymnasium and the recreation center. Councilman Wright stated that this facility could serve as another Mathis Auditorium if it is ever sold to the hospital. Larry Hanson stated that the gym will serve many functions for the provision of recreation and teen programs. This could also be used for large community meetings. In response to the question posed by Councilman Yost, Larry Hanson stated that in the Legislation that created the Authority it specifically said that they could not be located in a City or County administrative facility so they did have to leave City Hall. It is difficult to draw a line because there will be improvements to restrooms that the Staff will use but those same restrooms will be used by those citizens using the building. He was optimistic that this could be worked out. The entire contract could be awarded and then let them negotiate with the Authority on paying the \$119,950. Councilman Wright inquired as to whether the City would meet with the Authority and not the County. Larry Hanson stated that the Authority is who we would deal with. At the Mayor and Council Retreat, they were thinking that the Authority could have offices located anywhere in Lowndes County; however, the majority of the users of the programs and facilities are residents of the City. There is a benefit for the City and the residents in having the administrative offices of the Authority in a centrally located point in our City for the convenience of families signing up their children for programs or renting out pavilions. Councilman Yost stated that he was for the project but he has not heard anyone give him a reason why it should be included and he could draw a line. The City should not pay for something that an Authority should pay for or someone else should be paying with us as a joint project. Larry Hanson stated that perhaps he had not but he gave it his best shot. Councilman Yost stated that unless someone else comes up with a better reason he would make a motion that they eliminate \$119,950 out of this bid. He did not feel that the taxpayers of the City of Valdosta should be saddled with the entire cost of an Authority's office building. Councilman Payton stated that he had some of the same concerns as Councilman Yost and inquired as to why the renovations were being fully supported financially by the City. Larry Hanson stated that this was one of the City's SPLOST projects and they had \$1 million for District 1 park improvements and this was the facility that was selected for investment of the funds. The Authority has no proceeds because they were formed after the SPLOST in 2007 and the City is holding the SPLOST funds and carrying out the projects that the City told the voters we would do. The Authority has no other funds to build a facility or to renovate the gymnasium and make the office space usable for the public. When the new SPLOST comes in 2012, they may ask Council to approve projects for the Authority to carry out; however, this time we agreed to administer the City projects that were approved on SPLOST and then we would deed them to the Authority to operate and the County would do likewise. We chose to design the projects with their input and bid the projects and award the contracts and then deed the property at the completion of the project. Councilman Payton stated that all the City was doing was to fulfill an obligation. Larry Hanson stated that was correct and they have all worked well thus far. Councilman Yost stated that the project presented on SPLOST had nothing to do with an office space for an Authority because at the time SPLOST was passed they had no idea they would be going with an Authority. Larry Hanson stated that was correct but there would have been offices in City Hall regardless; however, any building of this size that you open up for the public will have a Director, an Assistant, and several Staff people. Maybe there would have been three offices instead of ten but there would have been offices in the building regardless.

A **MOTION** was made by Councilman Wright to follow the recommendation of Staff and move forward with the project. Councilman Payton seconded the motion. Councilman Eunice inquired as to whether they could add the verbiage about having a meeting with the Authority to discuss possible cost sharing on the actual

administrative part of that. Councilman Wright stated that he had no objection to the verbiage if the City Manager was so inclined. Councilman Payton stated that the City Manager has already pointed out that they have no source of revenue and inquired as to where the cost sharing would come from. Larry Hanson stated that they did not have SPLOST proceeds but they do have a dedicated millage that generates over \$3 million. He was not as familiar with their budget and what they have or what they have available; however, sitting down and talking with them we could explore that and arrive at a fair decision. Councilman Payton stated that he was in agreement. The motion was adopted (3-1) with Councilman Yost voting in opposition.

Consideration of a request to purchase In-Car Computers for the Police Department.

Greg Brown, Purchasing Agent, stated that Mayor and Council have previously approved the sole source purchase of in-car police computers in the past from the Motorola Corporation. This quote is for 18 in-car computers to include in-car docking stations, 6 desktop port replicators for detective personnel, and 18 RD-Lap radio data communication modems which will allow data communications between Police vehicles and the Lowndes County 911 Center. This purchase will replace existing and outdated in-car computing equipment in Police vehicles. The Police Department has requested the purchase of the in-car computer units to include radio communication modems from the Motorola Corporation in the amount of \$108,772.98. All previous in-car computers for the Police Department have been purchased from the Motorola Corporation and thus far have performed extremely well. All funding for this purchase request is from SPLOST VI. Greg Brown recommended that Council approve the request to purchase 18 in-car computers to include in-car docking stations, 6 desktop port replicators for detective personnel, and 18 RD-Lap radio data communication modems from the Motorola Corporation in the amount of \$108,772.98 for the Police Department. Councilman Payton inquired about the anticipated life of the computers. Police Chief Frank Simons stated that it would be approximately seven years.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (4-0) to follow the recommendation of Staff and approve the request to purchase In-Car Computers from the Motorola Corporation in the amount of \$108,772.98 for the Police Department.

Consideration of a request to purchase 102 RD-Lap Radio Data Communication Modems for the Police Department.

Greg Brown, Purchasing Agent, stated that Mayor and Council have previously approved the sole source purchase of radio equipment for the Police Department from the Motorola Corporation which included in-car computers and RD-Lap Radio Data Communication Modems. This quote is for 102 external radio data communication modems to work with in-car computers and to allow data communications between Police vehicles and the Lowndes County 911 Center. This will allow the Police Department to continue to use the current RD-Lap Radio Data Communication System for the next several years. The Police Department is requesting the purchase of RD-Lap Radio Data Communication Modems supplied by Motorola Corporation in the amount of \$38,250. All funding for this purchase request is from SPLOST VI. Greg Brown recommended that Council approve the request to purchase 102 RD-Lap Radio Data Communication Modems for the Police Department. Councilman Wright inquired as to whether these were different modems. Greg Brown stated that Motorola will not be making these modems anymore and we would like to purchase them for future use. Councilman Payton inquired as to whether these would become outdated. Chief Frank Simons stated that these modems work with the software program that allows the instant messaging between the radio system and the computer. Motorola has changed their protocol and will no longer be manufacturing and selling this particular modem so by purchasing these additional modems for future use it will take the Police Department through the next five to six years. If they do not purchase these modems they will have to go to an alternative means of communicating with the computer which will be much more expensive. In six to seven years they will be looking at a new radio system because the majority of the equipment they have will become obsolete. Larry Hanson stated that these are refurbished units so they will be getting the equivalent of a new unit at a deep discounted price. Chief Simons stated that Motorola has indicated that there is a very limited supply of these modems and they are getting pressure from other entities to release the modems they are holding for the Police Department.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (4-0) to approve the request to purchase 102 RD-Lap Radio Data Communication Modems from Motorola Corporation in the amount of \$38,250 for the Police Department.

Consideration of a request to approve a Boundary Line Agreement and to approve a Quit Claim Deed with Veolia.

George Talley, City Attorney, stated that Veolia has completed and executed an Agreement with the Langdale Company for the new Evergreen Landfill Project and conveyance of the adjoining Langdale property for the purposes of Veolia attempting to permit this project. In the course of researching the title related to Veolia's acquisition of the Langdale property for this project, two minor matters came up in the title examination that will need to be cleared up before Veolia acquires the Langdale tract. The first matter relates to the July 18, 1984 sedimentation pond easement. When the surveyor was asked if there was any evidence that a sedimentation pond had ever been installed pursuant to this easement he indicated that there was no such evidence and provided an aerial photograph of the area with the boundaries of the easement superimposed. The easement provides that if it is abandoned by the City of Valdosta/Lowndes County its successors and assigns and continues to be abandoned and unused for a continuous period of two years, then the easement shall terminate and all interest in and right to strips of land shall revert to said parties for the First Part, respectively successors in titles and assigns. It was recommended that Veolia obtain a Quit Claim Deed from the City of Valdosta to evidence the fact that it claims no interest in the easement. The second matter concerns a discrepancy in two deeds about the common boundary lines between the tract of land that J. L. Wetherington conveyed to the City of Valdosta on April 27, 1978 which is currently the City's water treatment plant and the Langdale's source of title of the property which it will convey to Veolia in its deed from Deep South Regional Solid Waste Management Authority dated January 15, 2003. The conveyance of this 579.35 acre tract was based on the June 19, 1995 survey by ASA Engineering and revised on December 10, 2002. The descriptions in these two deeds of the common boundary lines between these two tracts along the northeast and northwest boundaries to the City's property is sufficiently different to merit a boundary line agreement between the parties. The survey to be adopted is the most favorable to the City, although the discrepancy is very small. George Talley recommended that Council approve a Quit Claim Deed from the City of Valdosta to Veolia to evidence the fact that it claims no interest in the easement and approve a Boundary Line Agreement between the Langdale Company and the City of Valdosta which adopts the Langdale survey as the agreed dividing line between the properties.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (4-0) to approve a Boundary Line Agreement between the Langdale Company and the City of Valdosta and to approve a Quit Claim Deed with Veolia.

LOCAL FUNDING AND REQUESTS

Consideration of a request for a parking variance by Wilson Eye Center. Mayor and Council postponed this request at the September 10, 2009 regular meeting until the September 24, 2009 regular meeting.

Von Shipman, City Engineer, stated that the Wilson Eye Center has recently expanded and they are requesting that the City approve four off street parking spaces perpendicular to the road on Cranford Avenue for office personnel to use. This type of parking is not allowed by the Land Development Regulations; however, on this particular portion of Cranford Avenue is a very low volume street. There have been other similar exceptions that have been granted to businesses. The property owner across the street from the proposed parking spaces is Tom and Merry Jo Kurrie and an agreement has been worked out with them. There will be some landscaping changes to shield the air conditioning units and low bumper stops with the word "reserved" in lieu of signs. Mr. Kurrie is also going to pay at his own expense for some curbing along his side of the road to prevent any vehicles from backing onto the City right-of-way. Von Shipman recommended that Council approve the request for a parking variance by Wilson Eye Center. Councilman Yost stated that he was worried about the safety and asked the City Engineer to watch the area. Councilman Payton inquired as to whether the utility pole with the guide wire would be affected. Von Shipman stated that they have made arrangements with Georgia Power to have the guide wire relocated. Councilman Carroll stated that it may be prudent for Council to place a condition on the approval that no vegetation or signage shall be allowed to grow or be erected that would inhibit the visual line of sight of vehicles entering Cranford Avenue off of Patterson Street.

A MOTION was made by Councilman Payton to approve a parking variance by Wilson Eye Center. Councilman Wright seconded the motion. Councilman Carroll inquired as to whether Councilman Payton and

Councilman Wright would be agreeable to placing a condition that would restrict vegetation and signage being placed on the property that would limit the visibility of the intersection. Councilman Yost stated that it was City right-of-way so nothing could be placed there. Von Shipman stated that the right-of-way was approximately 11 feet from the edge of the pavement and there is a miter at the intersection that signs cannot be erected so that it would not cause a visibility problem for anyone on Cranford Avenue pulling up to Patterson Street; however, it would not hurt to have that verbiage in the motion. Councilman Payton and Councilman Wright were in agreement to placing the condition on the motion. The motion was unanimously adopted (4-0).

Consideration of a request for a speed hump on Baymeadow Drive.

Von Shipman, City Engineer, stated that a petition has been received from the residents of Baymeadow Drive requesting speed humps for their neighborhood due to excessive speeding. There are 42 property owners on Baymeadow Drive and 31 property owners signed the petition. It is required that 60% of the property owners have to be in favor of the speed hump and 74% of the property owners on Baymeadow Drive are in favor. Due to Baymeadow Drive being classified as a residential street, a speed study was conducted and it was determined that speed humps are warranted due to the fact that the 85th percentile speed (40.5) is greater than 10 MPH over the posted speed limit of 30 MPH. Von Shipman stated that he has spoken with several companies about the plastic type of humps that meet the same general parameters as noted in the City's policy which calls for asphalt speed humps. There will be four of these humps due to the spacing requirements of 400-500 feet and the cost is approximately \$800 per unit. The citizens who signed the petition would also be responsible for paying for the removal of the speed humps in the future should they repetition the City. Von Shipman recommended that Council approve the request for a speed hump on Baymeadow Drive. Councilman Wright inquired as to why the remainder of the property owners did not sign the petition. Von Shipman stated that several property owners who were pushing this petition went to every door and they did not receive any indication that any of the property owners were totally against the petition.

A MOTION by Councilman Wright, seconded by Councilman Yost, was unanimously adopted (4-0) to approve a speed hump on Baymeadow Drive.

Councilman Eunice welcomed Mayor Fretti to the meeting. Mayor Fretti thanked Councilman Eunice and Councilman Yost for running the meeting.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that John Whitehead, Deputy City Manager of Operations, has been selected for the Leadership Georgia Program and he will be participating in the class of 2010. This is a very prestigious and competitive organization and this speaks well of John and the City for his selection to participate in next year's class.

Larry Hanson, City Manager, stated that the Mayor and Council would need to meet in Executive Session to discuss real estate.

COUNCIL COMMENTS

Councilman Yost stated that he was glad to have Councilman Wright back from his leave of absence. Also, Councilman Yost stated that he was bothered by approving \$119,950 to fund something that he did not think the City should be funding but what they also did in approving it was to approve a request for a 10% contingency that could also push the bill higher on the \$119,950. The statements were that the City Manager could go and talk to the Authority about helping to pay for that but he was not sure why the Authority would want to pay since Council has already approved the City to pay for the entire amount. Council made a mistake on that and with budgets as tight as they are we have to count our pennies. That money could have been spent elsewhere for the citizens and not necessarily the Parks and Recreation Authority. Larry Hanson, City Manager, stated that the motion was to negotiate that particular payment of \$119,950. The meeting will include not only the City Manager but also the Mayor, the Finance Director, and others. Councilman Yost stated that he thought the motion was to approve the request as presented which was the entire amount; however, if the Parks and Recreation Authority want

to pay half that would be great. Mayor Fretti inquired as to whether the motion had a condition. Larry Hanson stated that it did have a condition contingent upon us negotiating with the Authority for payment of the \$119,950. Councilman Eunice stated that it was not included at first and then he asked the question and the Councilmen who made the motion and second agreed to have the condition placed.

Councilman Wright stated that he was glad to be back and regarding what Councilman Yost had stated, he had some concern also but he looked at it as the Authority is going to be a tenant moving into a City building that we own. It would be unfair to us to ask them to make repairs to a building if they ever decided to move out. This way the building is strictly the City's building and at some point they may have to pay rent. That is what he looked at in recouping the money. Councilman Yost stated that the building is property that they would turn over to the Parks and Recreation Authority. Larry Hanson stated that was correct. Mayor Fretti inquired as to whether Council felt that with that motion they would have to come back to them on a decision or if it would be left up to the discretion at the next meeting scheduled. Councilman Payton stated that he thought the motion was to follow the recommendation of Staff and allow the City Manager to discuss with the Authority how the \$119,950 would be paid and if needed. Larry Hanson stated that it was to negotiate that amount of money. They were approving the overall bid with the understanding that they would be negotiating the \$119,950 with the Authority.

Councilman Eunice thanked the Council for allowing him to run the meeting tonight in Mayor Fretti's absence.

Councilman Payton stated that the McKey Tennis Center is out for bid but he has not seen the final drawing; however, the rough draft looks very good and Council will be very pleased.

Larry Hanson, City Manager, stated that there was one point of clarification that he wanted to make regarding the Parks and Recreation Authority facility. When they reached an agreement with the Authority there were certain facilities that they did in fact deed to the Authority. There are also certain facilities that the City is operating under a long term lease and there are certain facilities that the City owns that had deed restrictions that prevented us from being able to give them away so they are under leases. Several of those included Drexel Park, McKey Park, and Freedom Park. This facility is under a long term lease and was purchased and renovated with CDBG funds. The CDBG and Federal government expected the City to be the owner of the property. This particular property is one that is and will be owned by the City and is leased to the Authority for 50 years.

ADJOURNMENT

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

A MOTION by Councilman Payton, seconded by Councilman Eunice, was unanimously adopted (4-0) to adjourn the September 24, 2009 meeting of the Valdosta City Council at 6:50 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:35 p.m. and stated that there was discussion of real estate in the Executive Session and no action was taken.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (4-0) to adjourn the September 24, 2009 meeting of the Valdosta City Council at 7:35 p.m. to meet again in regular session on Thursday, October 8, 2009.