

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, APRIL 22, 2021**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor Pro Tem Tim Carroll called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph “Sonny” Vickers, Sandra Tooley, Ben Norton, Eric Howard, and Vivian Miller-Cody. Mayor Scott James Matheson and Councilman Andy Gibbs were absent. The invocation was given by Pastor Mike Wells, New Covenant Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**PRESENTATION BY THE ETHICS COMPLAINT BOARD**

Mayor Pro Tem Carroll stated that there will be a presentation by the Ethics Complaint Board. Robert Jefferson, Chairman of the Ethics Complaint Board, 1334 Winding Ridge Circle, stated that Council received a letter from the Ethics Complaint Board notifying them of their decision to dismiss the Ethics Complaint against Mayor Matheson that was filed on February 15, 2021 by a group identifying themselves as the Coalition of Community organizations. To recap, the Complaint indicated that the Mayor of Valdosta repeatedly violated a number of core ethical requirements articulated in the City of Valdosta’s Code of Ethics Ordinance No. 2014-13. To address the Complaint, the Council established a Board of Ethics. That body then appointed Attorney James Tunison, Jr. and himself and then they later selected Attorney Richard Shelton, which Council confirmed on March 25, 2021. They had two Hearings. The first Hearing was for planning and organizing. The second Hearing, which was scheduled for April 14, 2021, was to determine if the Complaint should be dismissed or not at that point. At the April 14, 2021 Hearing, the Ethics Board determined that the Complaint should be dismissed. Their rationale was that it failed to state facts sufficient to invoke the disciplinary jurisdiction of the Mayor and Council (see VI, Item (a) and Section VII, Item (c) of the Ethics Ordinance). The Ordinance required them to submit in writing to the Complainant and to Mayor and Council their decision which they have done. That ends the task in reference to their duties as far as the Ethics Complaint is concerned. They will address any questions that Council may have.

Councilman Howard inquired as to whether Council is required to accept the findings of the Ethics Complaint Board. Tim Tanner, City Attorney, stated that the Ordinance does not require Council to accept the findings, but it appears that the case has now been dismissed. There is no action for the Council to take at this point. Councilman Howard inquired as to whether they were allowed to ask the Panel questions. Tim Tanner stated that they could ask questions. Councilman Howard stated that Mr. Jefferson was the Chair of the Panel and he listened to each one of them. They want the Mayor to earn a living and to be able to work on the radio station, but they were talking about blurring the lines between being the Mayor and the Radio Host. Are we at the point now where we can say that you are able to be a Radio Host but not on the radio station as the Mayor of Valdosta or in my role as the Mayor of Valdosta? Is that the conclusion that the Ethics Complaint Board came up with or are you saying that he is able to say what he wants to say regardless? They want to find out if he is going to be the Mayor of Valdosta or if he is going to be Scott James the Radio Host. That is what they are trying to find out. You are putting the City and the Council in a bad spot because there is so much other stuff that they would like to be talking about, but every time they get to that point then they are asking what do the people think or what is going on with the Mayor. They do not want to do that, and they want to find out from you guys what you suggest that they do. Jim Tunison, Jr. stated that the Ethics Complaint Board was charged with making a decision as to whether the Complaint violated the Ordinance. They found that it did not invoke the jurisdiction of this body and, therefore, they dismissed it. Mayor Pro Tem Carroll stated that as far as the Ethics Panel is concerned, their duties and their charge have been completed and they are now done. To answer Councilman Howard’s question, that is something that could be considered by Council if you wanted to carry it forward with Council in some form or fashion. It would not be done through the Ethics Panel. Councilman Howard stated that he understood that but they are at the point now where they are talking about making changes to the Ordinance so he would like the Panel to give them some suggestions so that when the Ordinance is changed they can go ahead and have their input. He wants to make sure they are doing it right. Mark Barber, City Manager, stated that he has already spoken with Mr. Jefferson as to the changes in the Ordinance in order to bridge some of the gaps and he asked Mr. Jefferson, as the Committee Chair, if he would be part of the discussion as to what they found as they began to look into this process. That is being worked on as we speak.

Councilwoman Miller-Cody inquired as to why they announced that it was a Public Hearing and when people came to the Hearing, they were not allowed to speak. They then entered into Executive Session and it was advertised in the newspaper that it was open to the public. Mark Barber, City Manager, stated that it was advertised as a Public Meeting and City Attorney Tim Tanner can address that topic. Tim Tanner stated that it was a Public Meeting that was publicly advertised; however, a Public Meeting differs from a Public Hearing. The terms of the Ordinance gave the Board of Ethics the power to determine how the process would take place. As Mr. Jefferson stated during the actual Meetings of the Ethics Board itself, the first one was for scheduling purposes and the second one was for determining the succinct question between them as to whether or not it would be dismissed on those four grounds and they chose one of the four grounds. Meetings such as this are not always open for public comment. We allow public comment as provided in our statutes or Ordinances; however, this is what we call a limited public forum. This is not an open public forum. You have the power to eliminate public comment (Citizens to be Heard) but you have never done that, and he would not suggest that they do that. This is a limited public forum just like that was a limited public forum. They chose not to take comments from the public at that time and that was within their power to do that. Councilwoman Miller-Cody inquired as to whether that was stated in the Ordinance about the limited public forum. Tim Tanner stated that is not stated in the Ordinance. That is the type, and this was litigated with Valdosta in 2008 as to the type of public forum we are in. Traditionally, a Council Meeting or Commission Meeting is a limited public forum. That is the reason you can state how many minutes a person has to speak as compared to unlimited time to speak. Councilman Howard inquired as to whether that was something they could change in the Ordinance. Tim Tanner stated that they could structure the process for a future Board of Ethics and take away some of the latitude they may have. Councilwoman Miller-Cody stated that they could include the citizens to be a part of the Board of Ethics instead of it all being Judges. Tim Tanner stated that they could determine the qualifications. The Georgia Municipal Association (GMA) puts out a model Ethics Ordinance and there are four alternatives in that model. Our Ordinance is one of the four. If you look at the GMA website, they further advertise two cities to look at, Marietta and Conyers. Marietta's Ordinance is just like our Ordinance and the members have the same qualifications as our Ordinance, but they sit on the Board for two years. That is the only difference.

Councilwoman Tooley inquired as to whether the Council could go any further with making a suggestion or a motion as far as the final decision of the Panel's findings. Tim Tanner, City Attorney, stated that if you follow the Ethics Ordinance itself, it suggests that it is over. It has been dismissed in writing and then it says that if a Complainant or the subject of the Complaint, which is the Mayor in this case, has a problem with the findings of the Board of Ethics, it does not say that they appeal to the City Council. It does say, though, that they can appeal to the Superior Court of Lowndes County. They can seek relief in the Courts from a decision they do not agree with. Councilwoman Tooley stated that she thought the Council makes a final decision on whatever the Panel decided. Tim Tanner stated that if they came to Council with findings of fact and how they concluded, there are two penalties one of which is a request for a resignation and the other is a public reprimand or censure. It does not appear that it is going to make it to Council because they have dismissed it. Councilwoman Tooley stated that it was her understanding that if a Complaint is brought against the Council Members or the Mayor that the Council and Mayor can do a public reprimand or have a vote of no confidence. Tim Tanner stated that if you follow the Ethics Ordinance, it would suggest that you would not have that right. Does Council have a right outside of the Ethics Ordinance? They have the right to put something on the Agenda and address it because that is free speech as well. Councilwoman Tooley stated that she has a letter from the previous Mayor which said that the Council could do that to a Council Member or the Mayor if they did something that the Council or the Mayor felt was inappropriate. They could bring a letter of no confidence or they could censure them. Tim Tanner stated that he has never seen that and the only similar circumstance that he could recall was a couple of years ago when a Resolution was passed against the Hospital Authority and it was a vote of no confidence. You are correct in a way that if it is not pertaining to the Ethics Ordinance and is just in general and you feel like a line was crossed and you want to state your opinion on it, then that could be done. Councilwoman Tooley inquired as to whether it would be appropriate for her to make a motion to apply a vote of no confidence in this situation. Tim Tanner stated that she could possibly bring it up and put it on the Agenda. She may not be able to do it tonight because it would have to be tied to the current recommendation. Mayor Pro Tem Carroll stated that it would have to be an emergency to amend the Agenda and put a voting action item on the Agenda tonight. Tim Tanner stated that they could put it on the Agenda for the next Council Meeting for consideration. Councilwoman Tooley stated that she was told, as a Council person, that she could not go on the radio and say anything until she was coached because you do not want to mess up the integrity of the City or to make the City look bad. She was told that by the previous Mayor, the previous City Manager, and the previous Public Information Officer. That is why she thought that if that was

appropriate for a Council person then it should be appropriate for the Mayor as well. She is finding out now that the way people read the Ordinance that is not true. She wanted to know why it is not true now when it was true before. There is a conflict here and she has seen so many things done so differently. What is right for one is not right for another. That is one reason she is trying to get this straight so they can get past this. They are going to make some changes to the Ordinance, and she hoped that by doing this it will clear up a lot of the problems going on. The way they are doing things now they give some people privileges on Council and then other ones not. That was not a good decision that was made; however, it was the Panel's decision and they did the best they could. She understands that but because of some of the things that have been happening here, she wants our City to have good integrity and not have negative spots. Mayor Pro Tem Carroll stated that what Councilwoman Tooley may be referring to with the previous Mayor John Gayle is that there are three individuals with the City who are designated as the official spokespersons. They are the Public Information Officer, the City Manager, and the Mayor and that is probably what he was referencing. As the City Attorney stated, if you wish to bring it back or another Council Member wishes to bring back an action item for a future Agenda, then that is certainly your prerogative and you have the ability to do that. Tim Tanner stated that in the Policies and Procedures for Mayor and Council, the City Manager speaks on behalf of the City. He has always taken the position that the City does not speak unless Council votes on it. When one Council Member speaks, he or she is speaking for that particular Council person. You collectively act and that is the only voice of the City. It may be a split decision or it may be a unanimous decision, but that is the official Policy of the City of Valdosta legally. In some cities, the Mayor is the official spokesperson; however, in the Policies and Procedures the City Manager is the official spokesperson. Councilwoman Tooley stated that when you address yourself and say, "as the Councilwoman for the City of Valdosta", that means you are speaking in general and officially. Tim Tanner stated that it is his position that you are not because what can Councilwoman Tooley by herself do? Can she pass an Ordinance? No. Can she see that something gets done? No. She is one of a collective body of citizens that have to act so it would probably give that impression that you are official, but to the public, when you say you are a Councilwoman and this is how you feel, then that is how you feel. The City has to collectively vote and maybe it would be wise to say that while you are a Councilwoman you are speaking your own opinion to distinguish between the two. That is how he looks at it.

Councilman Howard inquired as to whether the City Attorney would recommend that Council not take any action until the Ordinance is amended or whether they do not need to take any action until the next Meeting or whenever they put this on the Agenda. Tim Tanner inquired as to whether Councilman Howard was talking about a public censure. Councilman Howard inquired as to what would be the suggestion of the City Attorney since the Ethics Board dismissed the Complaint and whether they should take action or not. He understood that they cannot take any action tonight because it would need to be on the Agenda. The reason why he is asking this is because if you say that it is the way the Ordinance is currently written, and since it was dismissed, they should not move on it. As far as right now, does the City Attorney think they should go back to the rules that we have in place? Tim Tanner stated that he thought that would be required as to the Ethics Ordinance. If there is a future resolution brought up like Councilwoman Tooley suggested, it would not be tied to the Ethics Ordinance at all. It would just be your displeasure as a right of Council to say you are displeased with this language. At this point, though, the Complaint itself is over.

Councilwoman Miller-Cody stated that when she first became a Council person, she took an Oath. The previous City Manager told her that they were a City representative 24 hours a day. You had to carry yourself in a manner of always representing the City. Tim Tanner stated that they should do that. Councilwoman Miller-Cody stated that she was not against anyone and was just asking questions. She inquired about what happened on the radio and stated that they should not wear separate hats because they took that Oath. Tim Tanner stated that when you take the Oath and you put on a cloak of a Council Member or any Elected Official, you need to operate in a manner worthy of that position. Councilwoman Miller-Cody stated that she knew Mr. Barber is a representative because they put him in that position, and they should never over-step him. Tim Tanner stated that there is a difference in what you should do, how you should carry yourself, and then what is legally required. There is obviously freedom of speech. One of the reasons that one of the Ethics Complaint Board Members raised was that he felt it was important for freedom of speech. Freedom of speech works both ways and that is why, if you wanted to bring a resolution, that is freedom of speech too. There is probably a different section for violation of your Oath pursuant to the City Charter. He did not know, though, if anything to do with political speech could rise to that level. That may be a little different, but he understood what Councilwoman Miller-Cody was saying. Councilwoman Miller-Cody inquired, on a legal part of this, as to how they should explain this to the citizens so that they will accept what the Ethics Complaint Board has brought back to them. She knows the guidelines, but

they have to explain to the citizens in a way that they will respect the Council Members from now on. It seems that now Council has lost the respect of the citizens. How do they get that back? Tim Tanner stated that they should try to be as transparent as possible and try to educate them as much as you can. There is not always a legal remedy to certain things, and there may be a political remedy to certain activities or certain speech. A lot of problems that can cure political speech that you do not like is at the ballot box. If there was a provision in the Ethics Ordinance that tried to remove the Mayor, that would run into serious legal consequences for what has taken place. Councilwoman Miller-Cody stated that she was not talking about the Mayor and inquired as to how the Council Members could get their respect back. They want this to go out in a positive way and not a negative way. She has been beaten down bad in her District because of this. She was asking for help in a legal from the City Attorney so that she can walk with dignity as she serves her citizens. Tim Tanner stated that was a hard question to answer from a legal perspective; however, he will tell Council what the Board of Ethics found. They had four options and they could have determined that the Complaint in and of itself was unjust. They did not find it was unjust. They could have found it was frivolous. They did not find it was frivolous. They could have found that it was patently unfounded. They did not find that. Instead, they found it failed to state facts sufficient to invoke the jurisdiction of Mayor and Council. There is a distinction there. The distinction means we accept what you say is true but what you say is true does not violate this particular Ordinance. They have to look at the four corners of the Ordinance and they have to see if it violates. That is an important distinction that they did not find it unjust, frivolous, or unfounded. He does not know if there is a legal way to remedy the situation Council is facing because it is largely dependent upon a political remedy. That is the best answer he can give Council. Mayor Pro Tem Carroll stated that like controversial land use cases, you are always going to have half of the room happy with the decision and half the room that is not going to be happy with the decision that is made, but it is still the decision. As the City Attorney has articulated, the Ethics Panel has done their due diligence and their duty in what we asked of them based on the outline of the Ordinance and we thank them for their service.

**APPROVAL OF MINUTES**

The minutes of the April 8, 2021 Regular Meeting were approved by unanimous consent (5-0) of the Council.

**ORDINANCES AND RESOLUTIONS**

**REQUEST TO LIFT THE MORATORIUM ON THE ISSUANCE OF LICENSES FOR RETAIL PACKAGE STORES**

Consideration of a request to lift the Moratorium on the issuance of licenses for Retail Package Stores.

Mark Barber, City Manager, stated that the City of Valdosta is responsible for regulating the renewal and issuance of alcohol licenses, including retail package licenses, within the City Limits of Valdosta. Chapter 6, Alcoholic Beverages, of the City of Valdosta’s Municipal Code regulates the sale of alcoholic beverages in accordance with O.C.G.A. Title 3, Alcoholic Beverages. This industry has undergone significant changes in recent years and Valdosta has experienced growth in this sector. This has presented the City with the challenge of ensuring that the alcohol license process remains effective and continues to grant licenses appropriately. Appropriate licensing decisions are particularly important for retail package stores given their impact on the surrounding area. On October 10, 2019, the Mayor and Council voted to adopt a Resolution (No. 2019-13) and place a Moratorium on the issuance of licenses in the City for new retail package stores in order to give Staff time to review the Ordinance that governs alcohol licensing and ensure that it properly serves the public interest. The Moratorium did not affect applications submitted for approval prior to the passage of the Resolution. The Moratorium was discussed at the Mayor and Council Strategic Initiatives Summit in March and it is now coming back before Council for a vote on lifting the current Moratorium. Mark Barber, City Manager, recommended that Council approve the request to lift the Moratorium on the issuance of licenses for retail package stores.

**A MOTION** was made by Councilwoman Miller-Cody to approve the request to lift the Moratorium on the issuance of licenses for Retail Package Stores. Councilwoman Tooley seconded the motion. The motion was adopted (4-1) with Councilman Howard voting in opposition.

**ORDINANCE NO. 2021-3, AN ORDINANCE TO AMEND THE CITY OF VALDOSTA ALCOHOL ORDINANCE, CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE II – LICENSES, SECTION 6-37 – LOCATION OF ALCOHOLIC BEVERAGE BUSINESSES (SECOND READING)**

04/22/21 CONTINUED

Consideration of an Amendment to the City of Valdosta Alcohol Ordinance, Chapter 6 - Alcoholic Beverages, Article II - Licenses, Section 6-37 - Location of Alcoholic Beverage Businesses. (Second Reading)

Mark Barber, City Manager, stated that the City of Valdosta is responsible for regulating the renewal and issuance of alcohol licenses, including Retail Package licenses, within the City Limits of Valdosta. Chapter 6, Alcoholic Beverages, of the City of Valdosta's Municipal Code regulates the sale of alcoholic beverages in accordance with O.C.G.A. Title 3, Alcoholic Beverages. This industry has undergone significant changes in recent years and Valdosta has experienced growth in this sector. This has presented the City with the challenge of ensuring that the alcohol license process remains effective and continues to grant licenses appropriately. Appropriate licensing decisions are particularly important for retail package stores given their impact on the surrounding area. In October of 2019, the City Council adopted a Moratorium on the issuance of new alcohol licenses for Retail Package Stores within the City of Valdosta to allow City Officials time to study its current regulations and procedures to determine if these sufficiently serve the public interest. Locations of existing Package Stores within the Valdosta City Limits were inventoried and mapped. A comparative analysis was performed regarding the spacing requirements of these businesses and how Valdosta compares with other communities in Georgia. All of these issues and findings were discussed at the City Council's recent Strategic Initiatives Summit, and certain Amendments to the City of Valdosta Alcohol Ordinance are now being proposed. Mark Barber, City Manager, recommended that Council approve the amendment to the Alcohol Ordinance to reflect the proposed changes.

A **MOTION** was made by Councilwoman Miller-Cody to approve the Amendment to the City of Valdosta Alcohol Ordinance, Chapter 6 - Alcoholic Beverages, Article II - Licenses, Section 6-37 - Location of Alcoholic Beverage Businesses. Councilman Vickers seconded the motion. The motion was adopted (4-1) to enact Ordinance No. 2021-3 with Councilman Howard voting in opposition, the complete text of which will be found in Ordinance Book XIV.

**ORDINANCE NO. 2021-4, AN ORDINANCE TO AMEND THE CITY OF VALDOSTA ALCOHOL ORDINANCE, CHAPTER 6 – ALCOHOLIC BEVERAGES, ARTICLE III – OPERATIONS, SECTION 6-84 – CONSUMPTION OFF PREMISES (SECOND READING)**

Consideration of an Amendment to the City of Valdosta Alcohol Ordinance, Chapter 6 - Alcoholic Beverages, Article III - Operations, Section 6-84 - Consumption Off Premises. (Second Reading)

Ellen Hill, Main Street Director, stated that the Valdosta City Council made it a goal during the 2020 Strategic Initiatives Summit to revise the Entertainment Ordinance for Downtown Valdosta to accommodate Special Event privileges and an Action Item during the FY22 Strategic Initiatives Summit to Present an Entertainment Ordinance for Downtown Valdosta to accommodate Special Event privileges. The purpose of the Entertainment District is to help support and sustain Downtown Valdosta's established arts and cultural activities and help promote and generate new arts and cultural activities. With our complementary mix of shops, restaurants and entertainment venues that will support these uses, the Entertainment District is expected to generate more interest in Downtown Valdosta and attract more arts and cultural events. The boundaries of the Entertainment District will be defined as the public space, streets, sidewalks, open areas, and all parcels and tracts of real property in the known as the Central Valdosta Development Authority District, and West Hill Avenue between Toombs Street and South Briggs Street as well as both sides of South Briggs Street between West Hill Avenue and West Savannah Avenue. In addition, along the Southeastern corner of Central Avenue and Lee Street known as Lee Street Park (location of the amphitheater) as well as Patterson Street North to the Annette Howell Turner Center for the Arts shall be included. Outside consumption of alcoholic beverages by the drink shall be permitted within the Downtown Valdosta Entertainment District under the following conditions: (1) The business must possess an alcoholic beverage license for on premises consumption in good standing with the City of Valdosta and the State of Georgia, (2) The business must dispense alcoholic beverages in a designated cup (not to exceed 16 oz.) with the City's approved logo for consumption outside of the premises, (3) Cups shall be purchased from the Main Street office or their designee, (4) Business still has to maintain food to alcohol ratio per the City's alcohol permit, (5) Outside consumption is limited to the hours of 11:00 a.m. to 12:00 a.m. (midnight) Monday through Saturday

unless approved by Mayor and Council for a special event, (6) Property owners have the right to not allow open container drinks on/in their property, and (7) There will be special provisions for residents of Downtown. Ellen Hill, Main Street Director, recommended that Council approve the amendment to the Alcohol Ordinance to create an Entertainment District in central Downtown Valdosta.

A **MOTION** by Councilwoman Miller-Cody, seconded by Councilman Norton, was unanimously adopted (5-0) to enact Ordinance No. 2021-4, an Ordinance to approve the Amendment to the City of Valdosta Alcohol Ordinance, Chapter 6 - Alcoholic Beverages, Article III - Operations, Section 6-84 - Consumption Off Premises for the creation of an Entertainment District in central Downtown Valdosta, the complete text of which will be found in Ordinance Book XIV.

**LOCAL FUNDING AND REQUESTS**

Consideration of a request to approve fees for the preparation of easement and right-of-way plats for the Dogwood Circle neighborhood.

Pat Collins, City Engineer, stated that the Dogwood Circle neighborhood (Dogwood Drive, Dogwood Circle, Cason Street, and Dogwood Lane) was annexed into the City in 2005. There are 60 residential lots and one (1) commercial lot. During the design-survey phase, it was discovered that the portions of the right-of-way are inadequate. Right-of-way widths vary, they are narrow, and the existing pavement width is wider than the existing right-of-way at the intersection of Dogwood Drive and East Park Avenue (Highway 221). Street pavement widths are typically 16 feet. Storm drainage is transported in roadside ditches, some of which are 3-feet deep. The combination of narrow streets and the lack of shoulders and drainage ditches make it necessary for pedestrians to walk within streets. Thus, pedestrians, from the elderly to children, must walk in the same lanes that traffic travels to traverse the neighborhood. The Mayor and City Council discussed the conditions in the neighborhood in the summer of 2020. It was decided to contract with a Professional Engineer to design improvements to address the safety, drainage, and quality of life concerns of the residents. The design scope included piping the ditches, adding sidewalks, curb and gutter, and street and yard-drainage inlets as necessary. Innovate! Engineering Services was selected from the City’s professional services pool of firms with experience and qualifications to do the design work. The design price submitted was \$49,500.00. Given the design contract fell below the City Manager’s signatory threshold, the contract was initially approved by the City Manager on August 10, 2020. It will be necessary to acquire permanent easements for yard drainage inlets on many lots, additional right-of-way at intersections for safe vehicle turning, and additional right-of-way at the entrance to the neighborhood along Dogwood Drive and portions of the south side of Dogwood Circle. Temporary easements for construction of the improvements and driveway easements will also be required. Innovate! Engineering has prepared the topographic surveys of the lots, calculated the easement and right-of-way extents, and produced the necessary plats for acquisition and recording. The fee submitted for 57 plats was originally \$39,900.00, but it was negotiated down to \$22,800.00. Given that the submitted fee and the previously approved design fee together exceed the City Manager’s \$50,000.00 signatory threshold, Staff is directing and recommending this approval by the City Council as mandated by the City’s Procurement Policy. Pat Collins, City Engineer, recommended that Council approve the fees submitted by Innovate! Engineering Solutions in the amount of \$22,800.

A **MOTION** by Councilwoman Miller-Cody, seconded by Councilman Norton, was unanimously adopted (5-0) to approve the fees submitted by Innovate! Engineering Solutions in the amount of \$22,800 for the preparation of easement and right-of-way plats for the Dogwood Circle neighborhood.

**CITIZENS TO BE HEARD**

John Robinson, 3227 San Juline Circle, Lake Park, stated his rights for freedom of speech were violated right here in this building. When they were making a decision about the Mayor, he stood in the back of the Council Chambers and raised his hand to ask if it was a public meeting. He was ignored. He was reminded of a portion of a period in his life when he represented 850 people at a civil litigation in south Florida. He feels that he has been re-injured by going back to those depressive memories based upon the type of stuff that he witnessed here. He heard the voices in this room tonight about the controversy of the decision that was made from a legal aspect and from the aspect of concerned citizens. He is tired of being excluded and witnessing people being excluded. What is going on here in the City is preposterous. It is a shame before man and God what they have to contend with every day

with this type of government. The decision was rigged from the structure of the upper echelon of power in this place. He is hurt to the core of his heart because his life was totally ripped apart in south Florida. His family lost everything, and he was placed under Federal protection down in Miami. That was based upon a decision from people like this and he has been totally re-injured from what he has seen here today and what he experienced in this place. He was born here and it is a shame that he came back here and found this place in the shape that it is in. He feels like he is not welcome here by the way they are treated. It is outrageous as to what has happened. You cannot justify wrong and you can only justify things that are done right.

Mark Patrick George, 2203 Briarcliff Drive, stated that he is the Coordinator for the Mary Turner Project and he thanked Council for taking their Complaint seriously. They inherited an Ordinance that is ineffective, and he wanted to draw attention to the fact that it was an unethical ethical analysis. He read the Ordinance differently from the way the City Attorney did, and you can put this on the Agenda and take action. It does not say what action you have to take. First and foremost, they were told that this was the only complaint process for a citizen in Valdosta. They got the Code of Ethics from Mr. Barber and started the process. The Mayor then got to choose his person for the Ethics Committee. They asked Mr. Tunison whether or not they had been in communication during this process because they were not allowed to ask the Ethics Committee one single question at any point in time in this process. Mr. Tunison did not answer the question in the Public Hearing which was really not public. They do know that they were having a conversation the night he was chosen, and he felt that Mr. Tunison should have recused himself. They were given less than 24 hours notice for the Public Hearing for the Planning Session and then they had to ask for a directive about the April 14, 2021 Meeting. They did not know until three and one-half business days before that Meeting that they could have legal Counsel and then they were scolded for waiting until the 11<sup>th</sup> hour. When they came to the Meeting, they immediately adjourned into Executive Session. This is not your fault, but this is the existing Ordinance. They are hoping that Council will revisit it. They also know that employees have been held to the preamble and punished based on the Code of Ethics that Mr. Shelton and Mr. Tunison did not seem to think was relevant. He was hoping that the Mayor would be here today because he wanted to play an audio recording of the Mayor.

Dr. Melanie Calhoun, 5201 Greyfield Circle, stated that at the end of the day, the six people that sit here before us plus the Mayor of Valdosta, are accountable to the people that vote them in office. You need to remember that everything you do, whether you are here in this building or whether you are outside of this building, that you were voted in for a reason and a purpose which was to represent the will of the people. It is a shame when this body cannot and will not stand up for what is right and represent the will of the people of Valdosta.

George Boston Rhynes, 5004 Oak Drive, stated that last night he was at the Valdosta City School Board of Education Meeting and he made a statement that the Superintendent failed to comply with the Open Records Act. He did not ever respond to it. The Superintendent never sent him a copy of the EEOC Complaint response that there was no discrimination in the Board and making a decision about the Coach. He does not know why Valdosta seems to be in a City by itself and has its own set of laws. You are Elected Officials and he has been coming to Council for many years about respecting our military Veterans by displaying a flag on City buildings. We are home to Moody Air Force Base, and he will continue to say something about it. Lastly, as many are sitting on the Council, and he knows that they know what he knows, and that is this City if filled with racism. We know that there is a good ole boy system here. That is why the family did not get justice in the death of the Willie James Williams case. He is under an eight-year criminal trespass and the Sheriff's Office refused to remove it. He has it on an audio recording where the Sheriff's Department said that he would be arrested if he goes on the property of Lowndes County High School and Wes Taylor did it. He went to Wes Taylor and Mr. Taylor said he did not do it. The Sheriff's Department said they did not do it. He is still under it because they will not remove him in writing. Until they remove him writing, he will stay on the case just as he stood in the military for over 20 years.

Catherine Grant, 5237 Greyfield Circle, stated that she had a question and it was a point of order. Ms. Grant inquired as to how and when the Council Agenda is approved. Mayor Pro Tem Carroll stated that the Agenda is set by the City Manager. The Agenda is wrapped up on the Friday prior to the week of the Council Meeting. Ms. Grant inquired as to whether there is a vote taken on the Agenda. Mayor Pro Tem Carroll stated that there is no vote taken on the Agenda. Ms. Grant inquired as to whether that was a problem. Mayor Pro Tem Carroll stated that is the way it is handled.

Mark Barber, City Manager, stated that the Spring Electronics Recycling Event was held on Saturday, April 10, 2021 at the Public Works facility and it was a great success. They collected 4,367 pounds of televisions and computers and, overall, they collected approximately 15,000 pounds of old electronics which was kept from going into the landfill.

On April 12-16, 2021, the Highlands Neighborhood in District 4 held a cleanup and they collected 14 tires and 4.37 tons of debris.

The Brown Bag Concert series will start on Monday, May 3, 2021 and go through Friday, May 7, 2021 at 11:30 a.m. to 1:30 p.m. at the old Courthouse. There will be vendors selling food if you do not want to bring your own lunch.

The City of Valdosta will host a Love Where You Live Community Hot Spot Cleanup in District 3 on Saturday, May 1, 2021. City Staff and volunteers will be working from 9:00 a.m. to 12:00 p.m. from River Street to Gordon Street and North Oak Street to Lamar Street. There will be collecting trash in that area through the entire week and the City will pick it up free of charge.

At the last Council Meeting, Ms. Lorraine Randolph spoke under Citizens to be Heard about an issue she was having with a neighbor's tree. We are working on the issue and, hopefully, we will reach a resolution that both the property owner and Ms. Randolph will be happy with.

On Tuesday, April 27, 2021, the On-Demand Transit Kickoff will be held at 10:00 a.m. at the Martin Luther King, Jr. Memorial Park.

## **COUNCIL COMMENTS**

Councilwoman Miller-Cody stated that the Georgia Municipal Association held a virtual class this week and the State of Georgia has 85,000,000 people and of those 65 years old, we have vaccinated 35,000,000. We are at 13% of the African American population in Georgia being vaccinated. We need to get out and promote the vaccine. We have got to come up with some solution to get the African Americans to understand the importance of getting vaccinated.

Mayor Pro Tem Carroll stated that he agreed with Councilwoman Miller-Cody and he noted that she had promoted several area churches who were sponsoring vaccine drives. Councilwoman Miller-Cody stated that those vaccine drives have occurred, but she was not sure how they went. Mayor Pro Tem Carroll stated that he recently received his second vaccination and when he pulled into the parking lot at the Lowndes County Health Department, his vehicle was the only vehicle there. The longest time period that he had was the 15-minute wait afterwards. They are clearly open for business for anyone who wants the vaccine. He has also seen people holding signs on the street by South Georgia Medical Center trying to get people to come in and get vaccinated. Also, the City Government 101 class kicked off on Monday night. It was a great class and there was one person in there who was taking this class for the second time. Council Members are encouraged to attend a class and share a few words of support.

Councilman Eric Howard stated that he wanted to address the Council. They have some decisions they need to make. They have been through a lot during this past year and through the Pandemic. They have had a lot of accomplishments at the City. Building permits are up and they did not have to lay any employees off. They had no tax increase. They created jobs throughout the Pandemic. These are the things that they should be bragging about. They do not want to always have conflict. They need to fix the Ethics Ordinance and fix a lot of things that are of concern. They need to make some decisions and get things settled. There is freedom of speech, but it does not come without freedom of consequences. You are welcome to say what you want to say, but there are consequences afterwards.

Mayor Pro Tem Carroll stated that this body has the right to take those kinds of actions and he agreed with Councilman Howard. They need to address some deficiencies within the Ethics Policy that they have all witnessed and experienced. It is unfortunate but it was the one that they had to work with at this time. He looks forward to working with Council as they move forward on those improvements.



Mayor Pro Tem Carroll entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (5-0) to adjourn the April 22, 2021 Meeting of the Valdosta City Council at 6:42 p.m. to meet again in Regular Session on Thursday, May 6, 2021.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta