

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, OCTOBER 11, 2012
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, and Deidra White. Councilman Alvin Payton, Jr., Councilman Robert Yost, and Councilman James Wright were absent. The invocation was given by Pastor Curtis Jenkins of New Life Bible Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

SPECIAL RECOGNITION OF THE BROWNS CANAL RESTORATION PROJECT

Pat Collins, City Engineer, stated that the City of Valdosta's Browns Canal Streambank Restoration Project was recently recognized as the Georgia Outstanding Civil Engineering Achievement for Natural Environment by the American Society of Civil Engineers (ASCE), Georgia Section. Emily Davenport, Stormwater Superintendent, and Jim Martinez, Project Manager, from the City of Valdosta's Engineering Department and William Kent, owner of Innovate Engineering Solutions, received the statewide award from ASCE National President Andrew Hermann at the ASCE Annual Meeting in Atlanta on September 7, 2012. The project, which was the first of its kind in the City of Valdosta, was cited as allowing the City of Valdosta to maintain hydraulic capacity while reducing maintenance costs and providing the neighborhood with an aesthetically pleasing and safe channel. The Project featured the construction of a 1,250-foot gabion wall system along a portion of Browns Canal. The gabion wall was designed to stabilize the streambank, improve the natural channel flow, restore ecological habitat, and protect adjacent homes and structures. William Kent, Innovate Engineering Solutions, designed the project and submitted the nomination, which also recognized Radney Plumbing as the City's leading contractor. During this three-year Project, CDM Smith also assisted and funding was provided by the U. S. Department of Agriculture, Natural Resources Conservation Service.

PRESENTATION OF THE OCTOBER, 2012 EMPLOYEE OF THE MONTH AWARD

Consideration of the October, 2012 Employee of the Month Award (Leonardo Warner, Utilities Department).

Henry Hicks, Utilities Director, stated that Leonardo Warner began his employment with the City of Valdosta Utilities Department June, 1997 as a Laborer. After holding several positions, Mr. Warner was promoted in November, 2009 to a Lift Station Technician which is the position he currently holds. Leo is knowledgeable of the lift stations and operations and always adheres to safe working guidelines when accomplishing preventive maintenance. He also provides valuable experience in troubleshooting when mechanical problems arise. Leo demonstrates outstanding devotion to duty and this was evident while the Senior Lift Station Mechanic was recently on vacation. Leo handles all maintenance on City lift stations which included correcting a serious condition involving clogged pumps and valves at the Eastwind Lift Station making it incapable of basic functions. Leo quickly responded and identified the malfunction and disassembled the valves to clear the blockages which restored the lift station to normal operation. If not for his quick response, multiple homes in the area would have been flooded with sewage causing extensive and costly damage. The same day as the Eastwind Lift Station incident, Leo responded to a short notice contractor request. The contractor needed both pumps and wet well cleaned at the Good Year Lift Station which was on work stoppage during an expensive station upgrade. Leo quickly moved to assist the contractor preventing additional cost to the City of Valdosta. He has a "can-do" attitude and does whatever it takes to overcome obstacles in order to accomplish the task at hand. For these reasons and many others, the Employee Relations Committee nominated Leonardo Warner as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the September 13, 2012 Special Called Meeting and the September 20, 2012 Regular Meeting were approved by unanimous consent (4-0) of the Council.

ORDINANCE NO. 2012-22, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW TWO PERSONAL CARE SERVICE BUSINESSES IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow two Personal Care Service businesses in a Residential-Professional (R-P) Zoning District as requested by T. C. Brown (File No. CU-2012-06). The property is located at 1801 Canterbury Drive. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the applicant, T. C. Brown, is requesting a Conditional Use Permit (CUP) for two Personal Care Service businesses in a Residential-Professional (R-P) Zoning District. The property consists of approximately 0.40 acres and is located at 1801 Canterbury Drive which is at the northeast corner of Canterbury Drive and Baytree Road. The property is already developed with a four-unit professional office building consisting of approximately 4,000 square feet. This is a Commercial corridor along Baytree Road even though the property is zoned R-P. The property does meet the Commercial standard in terms of the parking layout and some of the other site features. It should be noted that if this property was zoned Commercial, it would not need a Conditional Use Permit. The applicant has already leased one of the tenant spaces (Suite D) to Serenity Massage Therapy clinic and is proposing to lease another tenant space (Suite A) to Stripped Waxing Salon. Both of these businesses are classified under the same category of use which also includes tanning salons, tattoo parlors, manicure shops, etc., and these all require CUP approval in R-P zoning. The applicant is not proposing any expansions or other physical changes to the site or building. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan. The existing building, which is located within a small office complex, was developed approximately seven years ago and it is still generally compliant with current development regulations. The proposed uses require CUP approval in R-P zoning because such uses can sometimes be too intensive for a typical R-P area. In this case, the property is surrounded by non-residential uses and is part of a commercial corridor along Baytree Road; therefore, there are no use-compatibility issues here. The only likely remaining issue is that of parking demand within the complex. Even though the property was developed under R-P zoning and has had only professional office type tenant, the complex exceeds the minimum requirement for offices and has enough existing parking to meet the higher minimum parking standard of retail commercial. For the proposed uses, they are both relatively small business operations with very few employees and their client customers will be seen by appointment only. Not all such personal care service businesses are the same and these two will likely generate less traffic than typical offices found in R-P zoning; therefore, given the surrounding development pattern and the retail capacity of the site's parking area, personal care service uses should be deemed allowable for the entire property. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval without any special conditions. The Planning Commission reviewed this at their September 24, 2012 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval without any special conditions (8-0 vote).

T. C. Brown, 1902 Jerry Jones Drive, spoke in favor of the request. Mr. Brown stated that he is the owner of the professional office building and he was seeking a Conditional Use Permit for two units (Suite A and Suite D). One of the units will be for a specialty waxing salon and the other will be Serenity Massage in Suite D. Both of these are small businesses and are by appointment only. They will have very little impact on the area. Mr. Brown asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (4-0) to enact Ordinance No. 2012-22, an Ordinance for a Conditional Use Permit to allow two Personal Care Service businesses in a Residential-Professional (R-P) Zoning District as requested by T. C. Brown, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2012-23, AN ORDINANCE TO AMEND
THE LAND DEVELOPMENT REGULATIONS (CON'T)**

10/11/12 CONTINUED

Consideration of an Ordinance to rezone 2.0 acres from Estate-Residential (R-E) to Highway-Commercial (C-H) as requested by Jack Langdale (File No. VA-2012-12). The property is located at 2616 Bemiss Road. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the applicant, Jack Langdale, has requested to rezone 2.0 acres from Estate-Residential (R-E) to Highway-Commercial (C-H). The property is located at 2616 Bemiss Road which is along the west side of the road about 300 feet north of Blue Pool Drive. The property is currently vacant but did contain a former mobile home sales lot. The owner is proposing to redevelop the property for use as motor vehicle sales lot which requires C-H zoning. This property was part of an annexed island from 2006 (Island #92) which was previously zoned Single-family Residential (R-1) in Lowndes County. It was given R-E zoning upon annexation into the City. The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-H zoning. The existing land use and zoning pattern along this portion of Bemiss Road very much reflects that of an established commercial corridor. Low density single-family residential zoning such as R-E is not only non-compliant with the CAC Character Area, it is very inappropriate for frontage along Bemiss Road. Commercial zoning is appropriate here. The C-H classification is intended to be located along arterial roadways such as Bemiss Road, and this is already the dominant commercial zoning in the area. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their September 24, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote).

Jack Langdale, 1017 Williamsburg Drive, spoke in favor of the request. Mr. Langdale stated that he represented Mike S. Chiang and Carl S. Chiang as trustees of the Poshan-Chiang Last Will and Testament. They are asking for it to be rezoned to Highway-Commercial. Scott and Jan Dowdy have been operating D & D Auto Sales directly across the street for the last 18 years and during that time the subject property has been used for mobile home sales and mobile building sales. Scott and Jan Dowdy would like to relocate D & D Auto Sales across the street and they have a contract for the purchase of the property contingent upon the rezoning. The Commercial-Highway zoning is consistent with the surrounding area and with the Comprehensive Plan. Mr. Langdale asked Council's consideration in following the recommendation of Staff and the Planning Commission and approve the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (4-0) to enact Ordinance No. 2012-23, an Ordinance to rezone 2.0 acres from Estate-Residential (R-E) to Highway-Commercial (C-H) as requested by Jack Langdale, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2012-24, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 3.78 acres from Single-Family Residential (R-6) to Community-Commercial (C-C) Zoning District as requested by McAlister Development Company (File No. VA-2012-13). The property is located at the southeast corner of West Brookwood Drive, North Oak Street, North Toombs Street, and West Jane Street. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended approval (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the applicant, McAlister Development Company, is requesting to rezone 12 parcels totaling approximately 3.78 acres from Single-Family Residential (R-6) to Community-Commercial (C-C). The property is located at the southeast corner of West Brookwood Drive and North Oak Street which is directly across the street the Valdosta State University (VSU) campus to the north,

some VSU properties to the east, and Sunset Hill Cemetery to the west. This area comprises most of the City block which is also bounded by North Toombs Street and West Jane Street. The two parcels on the northeast corner are currently owned by VSU in the name of the State Board of Regents. The property is currently developed with several single-family residences and the applicant is proposing to redevelop the property with a large mixed-use Planned Development consisting of both commercial retail as well as multi-family residential. The applicant's Planned Development request is being reviewed separately under File No. VA-2012-14. The property is located within an Institutional Activity Center (IAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C zoning. The property is also located within the City's local Historic District. Any demolitions or redevelopment of the property will require approval from the Historic Preservation Commission (HPC). In terms of analyzing the surrounding zoning pattern, there is existing Commercial zoning to the east, Residential zoning to the north and south, and Environmental Resource (E-R) zoning to the west. The Residential zoning to the north should be ignored because it is not indicative of the VSU main campus which is much more intensive than its current zoning. The E-R zoning to the west is rather uncommon but is indicative of the large park-like feature of Sunset Hill Cemetery. In terms of existing land use pattern, this entire area is generally dominated by the intensive institutional use of VSU which borders the property on two sides. Although it does not have the appearance of most commercial development, it has similar intensity and magnitude of most commercial properties. Another dominating feature in the area is the more passive Sunset Hill Cemetery across the street, but even it is becoming slowly enveloped by redevelopment that is related to VSU. The only other less-intensive area bordering the property is the block to the south which is still dominated by single-family uses, although most of these are renter-occupied (presumably college students). In terms of future land use patterns, the property is well-within the Institutional Character Area boundaries associated with VSU. The Comprehensive Plan calls for this area to be developed with uses that are both compatible and supportive of the institution (VSU). This character area allows a broad range of zoning classifications from R-10 up through and including C-C. As VSU continues to grow and expand, there is increasing demand for not only more student housing, but also additional non-residential development in the private sector that supports the campus environment. The area around the VSU main campus is almost completely void of any commercial or other non-residential zoning. All of the very few commercially-zoned properties lie to the east of the subject property, and most all of these are already owned and used by VSU. There is an increasing need for additional lands to be set aside for commercial development; however, the choices of viable locations for such development near the campus are very few. The applicant is proposing Commercial zoning for a compact area that is across the street from the main campus, is located adjacent to other Commercial zoning, and does not intrude on any of the large residential neighborhoods elsewhere around the campus. This seems to be the best possible location for private sector commercial development directly related to VSU. It should be noted however, that this property contains some contributing historic buildings and there are other such buildings on adjacent blocks. These must be considered when making a land use decision, but such consideration is more of a development issue than it is a zoning issue. There are historic buildings of all kinds within the City which are situated successfully in both Residential and Commercial zoning districts. The modification or removal of historic structures is governed separately by the HPC and their review processes. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their September 24, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote). Councilwoman White inquired as to whether any citizens spoke against the request at the Planning Commission Meeting. Matt Martin stated that there was no participation from citizens either "for" or "against" the request. There were a lot of citizens in attendance but the Zoning Department has had no contact from anyone expressing opposition. There is a letter of support for the project that addressed the Planned Development issue, and there were two inquiries about the Planned Development; however, they did not offer an opinion one way or the other.

Bill Nijem, 209 East Alden Avenue, spoke in favor of the request. Mr. Nijem stated that he represented the applicant, McAlister Development Company, and he thanked the City of Valdosta Staff for getting them to this point. It has been a long process with multiple meetings to work through the procedures and Matt Martin and his Staff did an excellent job. As a resident of the City of Valdosta and one who lives in the Historic District, he is excited about the project which will be good for the City. The location is a perfect place for this type of development. Mr. Nijem asked for Council's consideration in following the recommendation of Staff and the Planning Commission to approve the request. Councilwoman White inquired as to whether Mr. Nijem understood that if Council chooses to approve the request that it will not mean it is a done deal but rather they would be

clearing the path for him to continue on with the process to bring this development to the community. Mr. Nijem stated that he did understand that. There is a Historical Preservation Commission application that will need to be filed since the property is in the Historic District and they will need to go before the HPC to address the issues with the houses. The applicant intends on submitting the application by October 16, 2012 and the HPC Meeting is scheduled for November 5, 2012 at which time the issues will be addressed.

No one spoke in opposition to the request.

A MOTION by Councilwoman White, seconded by Councilman Carroll, was unanimously adopted (4-0) to enact Ordinance No. 2012-24, an Ordinance to rezone 3.78 acres from Single-Family Residential (R-6) to Community-Commercial (C-C) Zoning District as requested by McAlister Development Company, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2012-25, AN ORDINANCE FOR A PLANNED DEVELOPMENT APPROVAL FOR A MIXED-USE DEVELOPMENT

Consideration of an Ordinance for a Planned Development Approval for a mixed-use development as requested by McAlister Development Company (File No. VA-2012-14). The property is located at the southeast corner of West Brookwood Drive, North Oak Street, North Toombs Street, and West Jane Street. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended approval with nine conditions (8-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the applicant, McAlister Development Company, is requesting Planned Development Approval for a mixed-use development. The property consists of 12 parcels totaling approximately 3.78 acres and is located at the southeast corner of West Brookwood Drive and North Oak Street. The property is currently zoned Single-Family Residential (R-6) and the applicant is concurrently requesting rezoning of this property to Community-Commercial (C-C). The rezoning was reviewed separately under File No. VA-2012-13. The property is currently developed with several single-family residences. The applicant is proposing to redevelop the entire property with a large four-story mixed-use building consisting of 216 rental dwelling units (439 total bedrooms), 15,000 square feet of total retail commercial space on ground floor storefronts, and also a nested 5.5 level parking garage within the center of the complex. The site will also include a 28-space surface parking lot to be used by the commercial uses. This is fairly dense and occupies most of the block; however, they do have at least 15% greenspace showing on the concept plan with perimeter landscaping and some interior courtyards. The property will be managed and maintained by one entity with on-site management staff. The applicant is planning to construct the development all at one time and plans to commence construction within about 18 months from the date of final approval. The property is located within an Institutional Activity Center (IAC) Character Area on the Future Development Map of the Comprehensive Plan and is in the Historic District. Any demolitions or redevelopment of the property will require approval from the Historic Preservation Commission (HPC). Planned Development Approvals are reviewed and considered in much the same way as a Conditional Use. There is no zoning change to the property and the applicant would be free at any time to develop the property in accordance with the underlying zoning district and other regulations up until development has commenced in accordance with the approved Planned Development. The applicant's proposed rezoning to C-C must be acted upon first, and it must be successful, in order for this proposed Planned Development to be eligible for consideration. The merits and appropriateness of C-C zoning have already been discussed and decided with the foregoing Rezoning case (File No. VA-2012-13). Under C-C zoning, the applicant is proposing a planned development that is mostly residential in nature and the proposed use is less intensive than what would typically be found in C-C zoning; however, the applicant is proposing a development that is very dense and is approximately twice the density (number of bedrooms per acre) than what is allowed in C-C zoning as a permitted use. This increased density would normally be eligible for a Conditional Use Permit (CUP) and therefore it is eligible for consideration with this Planned Development proposal. The applicant's proposal does not meet all of the development standards of C-C zoning (such as setbacks or maximum impervious area), nor does it meet all of the supplemental standards for multi-family development (such as maximum length of the building or the number access points); however, such deviations from the City's conventional development standards are eligible for consideration under a Planned Development based on an approved master plan. Based on the existing condition of the surrounding land use pattern, and even the existing massing and density of the surrounding development, this

proposed development immediately appears too dense and inappropriate. This is further compounded by the fact that it is in the local Historic District and there are existing historic buildings on the property that are proposed for removal. The residential block to the south also has similar historic resources that would certainly be impacted. The proposed development would therefore seem to be an inappropriate intrusion into this existing historic area. All of these factors, along with the lack of compliance with several of the development standards, result in a negative review of the proposal; however, the long-term implications and the future land use and development pattern of the area must also be considered. There are many other factors that must be weighed and Staff has labored long and hard in analyzing this request. There are numerous goals and policies in the Comprehensive Plan that call for the strong support of VSU, but such efforts must also be balanced with the overall needs of the community. There are significant growth pressures associated with VSU that affect both the on-campus and off-campus environment. There is strong need for additional commercial development near the campus, but there are very few viable choices for location of this. There is also a strong need to provide more areas for private-sector student housing (multi-family) nearer to the campus, in order to offset some of the commuting traffic and the negative impacts student rental housing is having on City neighborhoods. It is these blocks immediately south of the main campus that seem to be the best fit for commercial development (particularly along the West Brookwood Drive frontage), as well as for high-density multi-family that is in closer proximity to campus. The applicant's proposal is an attempt to satisfy these needs and in the most efficient manner (use of land) that seems practical. The proposal would indeed be a radical change from the existing pattern of the area. It is intended to begin the process of transforming this area immediately south of main campus to a much denser urban environment. Given that this area is already bounded by public lands on three sides, it seems like a natural pocketed area to have such development. Staff is supportive of the proposed general concept; however, there are still certain facets of the development and its potential impacts that need to be addressed with proper conditions. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommend approval subject to the following conditions: (1) Approval for a mixed-use development consisting of multi-family residential and low-intensity commercial/office uses only, and in accordance with the submitted layout plan. Uses in the designated ground floor commercial area (15,000 sf) shall be limited to all those non-residential uses permitted in C-C zoning, but excluding the following: alcoholic beverage sales, animal clinic or boarding, automotive uses (such as gas station, repair shop, taxi), daycare center, drycleaners, personal care service, telecommunications tower, used merchandise store or pawnshop, utilities substation. Individual tenant spaces shall be limited to a maximum of 2,000 sf gross floor area (GFA). There shall be no outdoor storage or outdoor display of merchandise. Outdoor seating may be allowed with a CUP. Outdoor signage shall comply with C-D zoning (downtown) requirements. (2) Residential use shall be limited to multi-family dwellings with no more than four bedrooms per unit. Overall development shall not exceed 439 bedrooms and unit floor areas shall comply with C-C zoning requirements. (3) The commercial/residential buildings shall be limited to a maximum of three floors along the West Jane Street frontage, and four floors elsewhere. Architectural design of all buildings shall be modified to include more details from the Spanish/Mediterranean Revival Style (corbels, pilasters, decorative brackets, balconies, etc.), and shall be subject to HPC approval. (4) Relocate at least three of the existing historic buildings to other properties in the Historic District as specified and approved by the HPC. (5) All existing parcels shall be combined into one tract. The development shall be managed as a single entity with an on-site resident manager, and full-time maintenance staff. (6) All buildings shall observe at least a 10' minimum setback from all property lines. Street frontage adjacent to the commercial uses shall consist of a pedestrian walking area with landscape planters and street furniture (seating, tables, lights, etc.). There shall be a decorative retaining fence along West Brookwood Drive to channel pedestrian traffic to the corners of the property for street crossing. All other street frontages shall consist of landscaped street yards as required by the LDR. (7) A traffic study shall be performed to analyze ingress/egress and potential impacts to adjacent streets. Minor street improvements or modifications to site access may then be required by the City Engineer. (8) An existing tree inventory shall be performed. A landscape plan and tree removal permits shall be submitted and approved by the City Arborist. Where required tree quantities cannot be satisfied by the approved development, contributions may be made to the City of Valdosta Tree Bank Fund as prescribed by the LDR. Planted street trees shall exceed the minimum caliper requirements. (9) Maximum impervious surface shall not exceed 85% and there shall be at least 15% greenspace maintained in accordance with LDR requirements. Stormwater management shall consist of underground detention. (10) All other applicable development standards and requirements shall be followed. (11) From the date of final approval, the development shall commence within three years (request for permits) and be completed within five years. Otherwise, Planned Development approval shall automatically expire. The Planning Commission reviewed this at their September 24, 2012 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and

recommended approval, subject to the following conditions (8-0 vote): (1) Approval for a mixed-use development consisting of multi-family residential and low-intensity commercial/office uses only, and in accordance with the submitted layout plan. Uses in the designated ground floor commercial area (15,000 sf) shall be limited to all those non-residential uses permitted in C-C zoning, but excluding the following: animal clinic or boarding, automotive uses (such as gas station, repair shop, taxi), daycare center, drycleaners, personal care service, telecommunications tower, used merchandise store or pawnshop, utilities substation. Individual tenant spaces shall be limited to a maximum 3,000 sf GFA. There shall be no outdoor storage or outdoor display of merchandise. Alcoholic beverage sales and/or outdoor seating may be allowed only with a CUP. Outdoor signage shall comply with C-D zoning (downtown) requirements. (2) Residential use shall be limited to multi-family dwellings with no more than four bedrooms per unit. Overall development shall not exceed 439 bedrooms and unit floor areas shall comply with C-C zoning requirements. (3) All existing parcels shall be combined into one tract. The development shall be managed as a single entity with an on-site resident manager, and full-time maintenance staff. (4) All buildings shall observe at least a 10' minimum setback from all property lines. Street frontage adjacent to the commercial uses shall consist of a pedestrian walking area with landscape planters and street furniture (seating, tables, lights, etc.). There shall be a decorative retaining fence along West Brookwood Drive to channel pedestrian traffic to the corners of the property for street crossing. All other street frontages shall consist of landscaped street yards as required by the LDR. (5) A traffic study shall be performed to analyze ingress/egress and potential impacts to adjacent streets. Minor street improvements or modifications to site access may then be required by the City Engineer. (6) An existing tree inventory shall be performed. A landscape plan and tree removal permits shall be submitted and approved by the City Arborist. Where required tree quantities cannot be satisfied by the approved development, contributions may be made to the City of Valdosta Tree Bank Fund as prescribed by the LDR. Planted street trees shall exceed the minimum caliper requirements. (7) Maximum impervious surface shall not exceed 85% and there shall be at least 15% greenspace maintained in accordance with LDR requirements. Stormwater management shall consist of underground detention. (8) All other applicable development standards and requirements shall be followed. (9) From the date of final approval, the development shall commence within three years (request for permits) and be completed within five years. Otherwise, Planned Development approval shall automatically expire.

Matt Martin stated that Council had discussed changes to condition (1) at the Work Session and it now reads as follows: (1) Approval for a mixed-use development consisting of multi-family residential and low-intensity commercial/office uses only, and in accordance with the submitted layout plan. Uses in the designated ground floor commercial area (15,000 sf) shall be limited to all those non-residential uses permitted in C-C zoning, but excluding the following: animal clinic or boarding, automotive uses (such as gas station, repair shop, taxi), daycare center, drycleaners except for pickup stations, personal care service, telecommunications tower, used merchandise store or pawnshop, utilities substation. Individual tenant spaces shall be limited to a maximum 3,000 sf gross floor area (GFA). There shall be no outdoor storage. Outdoor display of merchandise shall be limited to the areas adjacent to commercial businesses and shall be set back at least five feet from the property lines. Alcoholic beverage sales establishments (restaurants with a pouring license only) shall be limited to a total of no more than 4,000 sf for the development. Outdoor seating may be allowed only with a CUP. Outdoor signage shall comply with C-D zoning (downtown) requirements. Matt Martin stated that Council had also discussed distances between the building and the edge of curb of the surrounding streets. The Project Engineer has submitted a memorandum indicating the distances in detail. They have also received a letter of support since the Work Session from a property owner on the residential block to the south which is Jane Street. There are nine conditions from the Planning Commission and the applicant is in agreement with these.

Councilwoman White inquired about the display area and whether it would not go any further out than five feet from the business location. Matt Martin stated that it would be the distance from the property line and whatever distance that might be from the actual curb, but from the property line inward toward the building it would be kept clear for pedestrian use. If there is an additional five feet, which is the recommendation, it would be at least a ten foot setback and would allow for an additional five more feet for display. That is only on the north side of the building along Brookwood Drive. On the site plan, some of the commercial store fronts are more interior so there is no right-of-way issue and they can use the entire pedestrian walkway if they would like. It gives them the ability if the north face of the building has some indentations where that part of the building is more than ten feet then they gain a little extra display area. Larry Hanson stated that they could have more than five feet. Matt Martin stated that it depends on the shape of the building. Councilwoman White stated that they had discussions about not wanting to push it too far away from the building. Matt Martin stated that they were

concerned about them crowding the sidewalk and blocking it too much; however, the way this is worded it would guarantee at least five feet within the property and then however more additional feet if they are within the right-of-way.

Councilman Carroll stated that this is a new project and inquired as to whether the conditions could be amended if they got into the project and decided that there needed to be some changes. Matt Martin stated that Planned Developments can be amended at the request of the applicant on any of the monthly cycles. It is the same process of review and advertisement. The conditions are not carved in stone but this gives them a good base to start. Councilman Carroll inquired about the maximum square footage for the commercial part because they are setting it at 3,000 sq and they may want to come back and address that issue. Matt Martin stated that they do not know who the tenants might be but they simply know that it is C-C zoning. There is a broad range of what could be in there and they wanted to exclude some of the things that they thought might be a problem. It would certainly be possible to review that in greater detail at a later date. Larry Hanson stated that Staff and Council would be open-minded and if there is a demonstrated need or impediment then that would be fairly taken into consideration.

Bill Nijem, 209 East Alden Avenue, spoke in favor of the request. Mr. Nijem stated that he represented McAlister Development. At the current time, there is not much retail space within walking distance of Valdosta State University that students and professors can readily get to by walking. This is a big attraction to this project and the retail space on the current plans is a little more than 12,000 sq ft. There are 70 parking spaces devoted to the retail use and the users will more than likely utilize the VSU parking deck across the street. There is ample space to deal with the traffic that the retail space will generate. When they first talked about the 216 residential units with Staff they were concerned; however, they have designed a plan that encompasses a feel for VSU, the area, and greenery. There will be on-site Staff to manage the property and leasing. The Planning Commission has recommended nine conditions and they have been reviewed and tweaked since the process started. The Staff, City, and the applicant are all agreeable to these conditions; however, as they move forward there may be a need to come back before Council to amend the conditions. The most important condition is the limitation of 3,000 sq ft on the retail space. Mr. Nijem asked Council's consideration in following the recommendation of the Planning Commission with the nine conditions set forth. Larry Hanson stated that he wanted to clarify that they were in agreement with the changes made to condition (1). Mr. Nijem stated that was correct and they were in agreement with the changes to condition (1) as read by Matt Martin earlier.

Mills Buxton, McAlister Development Company, 1444 Simmons Street, Mt. Pleasant, South Carolina, stated that he is the Chief Operating Officer of the company and they have been in business for over 20 years. They specialize in mixed-use student housing properties at universities in the southeast. They are currently working on projects at Clemson University, the University of South Florida in St. Petersburg, and several other places in the southeast. They are very excited about this opportunity and feel that it is a perfect location for this type of facility. They look forward to being a good corporate citizen to Valdosta and a good neighbor to the University. Councilman Carroll inquired as to whether they would want to do more projects like this in our community. Mr. Buxton stated that there are only a handful of sites where this type of use at this scale would be appropriate. They have had a great interface with the Staff and they are very appreciative of the collaborative effort that has been put forth in thinking through some complex zoning and development issues that had to be solved.

Karen Noll, 2305 Glynndale Drive, spoke in opposition to the request. Ms. Noll stated that she was not really speaking in opposition but wanted to make Council aware of the increase in traffic at a particular corner. The corner of Oak Street and Brookwood Drive goes from three lanes to two lanes very quickly and it could cause problems if you have more traffic entering and exiting that road. Also, if there are going to be 400 units adjacent to the VSU campus they may want to think about security for the area. Larry Hanson, City Manager, stated that as part of the planning and review process, the applicant will be required to conduct a traffic study by a licensed engineer and those considerations will be taken into account at the final plan review and approval.

Councilwoman White thanked Matt Martin, City Staff, the Planning Commission members, and everyone who has participated in making this project possible. It represents many hours of thoughtful and meticulous work on their part and they are all to be congratulated on a job well done. She also noted that due to the size and scope of this project, it has merited all of the view points and questions that have been posed by City Staff, Planning Commission members, Council, and all other related parties. As a form of reference, her concern has not been that

a retail establishment with a pouring license be allowed in this particular development. There is no issue there; however, as a point of reference, she is in favor of alcohol being in this development. The ability to serve alcohol in this particular development became the vehicle to discuss her concern regarding Council and City Staff not trying to micro-manage private business when they are trying to come to our area. They do, however, wear the hat of maintaining concern and dedication to the community as well as maintaining values and concerns for growth and progress while protecting and improving the quality of life for the citizens. They have reached a very good balance on trying to achieve progress and filling a need in the community while preserving and maintaining our past.

A MOTION by Councilwoman White, seconded by Councilman Norton, was unanimously adopted (4-0) to enact Ordinance No. 2012-25, an Ordinance for a Planned Development Approval for a mixed-use development as requested by McAlister Development Company, the complete text of which will be found in Ordinance Book XII.

BIDS, CONTRACTS, AGREEMENTS, AND EXPRENDITURES

Consideration of bids for extension of utilities for Phase 1 of the annexed Island 35C.

Pat Collins, City Engineer, stated that Council approved contracts with three local engineers to design water and sewer improvements to serve the property in former unincorporated islands that were annexed into the City in 2006. Bids were received on Thursday, September 20, 2012 for Island 35C which includes Eager Road, Northfield Road, Crestview Drive, and Hartsfield Lane. The low bid was submitted by Standard Contractors in the amount of \$758,226.59. The Engineering estimate was \$739,528. Pat Collins recommended that Council approve the low bid submitted by Standard Contractors in the amount of \$758,226.59 plus a 10% contingency to handle any unforeseen circumstances. Councilman Carroll inquired as to the actual start date of this project. Pat Collins stated that it will take approximately one month to get all of the bid documents completed and he anticipated that they would start in November; however, they have been asked to take the holiday season into consideration. Councilman Carroll stated that this is a cut-through neighborhood and they may want to take some measures to minimize the traffic cutting through there during construction. Pat Collins stated that they will have a maintenance traffic plan that he and the contractor will review and approve.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (4-0) to approve the low bid submitted by Standard Contractors in the amount of \$758,226.59 plus a 10% contingency to handle any unforeseen circumstances for extension of utilities for Phase 1 of the annexed Island 35C.

Consideration of bids for the Woodrow Wilson Drive Extension Project.

Pat Collins, City Engineer, stated that the Woodrow Wilson road extension is located between North Patterson Street and North Oak Street. The extension will include new paving, curb and gutter, storm pipes, improved driveways, and access to businesses and signalization. Bids were received on October 4, 2012 with the low bid submitted by Reames & Son Construction in the amount of \$1,972,777.55. The Engineering estimate was \$2,396,603.86. Pat Collins recommended that Council approve the low bid submitted by Reames & Son Construction in the amount of \$1,972,777.55 plus a 10% contingency (\$197,277.76), for a total of \$2,170,055.31.

A MOTION by Councilman Carroll, seconded by Councilwoman White, was unanimously adopted (4-0) to approve the low bid submitted by Reames & Son Construction in the amount of \$1,972,777.55 plus a 10% contingency for the Woodrow Wilson Drive Extension Project.

LOCAL FUNDING AND REQUESTS

Consideration of a request for high service pump repairs at the City of Valdosta's Water Treatment Plant.

Henry Hicks, Utilities Director, stated that the original high service pumps at the Water Treatment Plant have been in place for approximately 20 years. Maintenance Staff has noted ongoing operational problems in at least three of these pumps with one pump seal leaking and did not want to run it fearing damage to the pump. There are six high service pumps at the Water Plant and they are used to maintain adequate water pressure

throughout the water distribution system as well as maintain water levels in all of the elevated water storage tanks. The Utilities Department budgeted to pull, inspect, and repair the three oldest pumps (#1, #2 and #4) in this year's budget at an estimated cost of \$50,000 each. The work was bid last year and Rowe Well Drilling was selected as the low bidder. Due to continual problems, the #4 high service pump was pulled first, inspected, and the motor repaired for slightly less than the \$50,000 estimate; however, once the second pump (#2) was pulled and inspected, the repair costs came in above the estimate at \$59,409.00. To address these issues moving forward, the Utilities Department implemented a regular preventive maintenance program on all equipment and systems in all facilities to address known issues as well as identify potential problems or issues before they occur in the future. In the case of major pumps such as these, every pump will be pulled and inspected at least every ten years to avoid premature failure and extend the working life of this equipment. Typically two to three high service pumps are in service on any given day with up to four during high demand periods. This allows for redundancy in order for corrective or preventive maintenance service or repairs to be undertaken on the pumps as needed without impacting daily operations of the Water Treatment Plant and water distribution system. Henry Hicks recommended that Council approve the repairs by Rowe Well Drilling on number 2 high service pumps in the amount of \$59,409.

A **MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (4-0) to approve the repairs by Rowe Well Drilling on number 2 high service pumps in the amount of \$59,409 at the City of Valdosta's Water Treatment Plant.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated it is Community Planning Month and Staff has many activities planned. They held a Lunch and Learn on Traffic and Tribulations yesterday, there will be a tour of the Traffic Management Center tomorrow from 12:30 p.m. to 1:30 p.m., and on October 18th there will be a Five Points Re-Development Lunch and Learn at the City Hall Annex.

Larry Hanson, City Manager, stated that one of the goals of Council several years ago was to participate in a volunteer income tax assistance program. They developed a partnership with the Cash for Prosperity Campaign and the IRS and it has been very successful. Last year over 400 free tax returns for low to moderate income citizens were prepared using this program and it resulted in \$1.4 million in returns coming back to citizens of our community which is then reinvested back into the community. There are potentially 11,000 people in Lowndes County who could benefit from earned income tax credit so there is more education taking place. We are going to be doing even more work and take it to the next level. We are planning to partner with the IRS and have terminals in the HR Training Room here at City Hall so that employees could work on this during their lunch hour.

The Lowndes County Partnership for Health has been a partner with the City in the Downtown Farm Days and they have received a grant for \$100,000 from the USDA. This will help us to establish an agricultural center and pay for a full time farm manager over two years so that we can have a portable vegetable stand to be used on a distribution route in order to get fresh vegetables out to various areas of the City so that transportation is not an issue. This is a good benefit out of a very successful program and we encourage people to eat healthy and have access to healthy foods.

The Mayor/Council Tour is scheduled for Saturday, October 18, 2012 beginning with breakfast at 8:00 a.m. at the City Hall Annex and ending by 1:00 p.m. The agenda has been finalized and the itinerary will be sent to Mayor and Council via E-mail tomorrow.

COUNCIL COMMENTS

There were no Council comments.

CITIZENS TO BE HEARD

Karen Noll, 2305 Glynnedale Drive, stated that Georgia citizens will be asked to vote in November whether the Constitution should be amended. In 2011, the Charter School Commission was found unconstitutional by the Georgia Supreme Court because the Commission was made up of appointees and not elected officials. The

Amendment that is now on the ballot would allow the Charter School Commission to handle our tax dollars with no accountability which is not a good thing for Georgia. Additionally, the Charter School Commission is redundant and only makes government larger. Currently, we have 315 Charter Schools in Georgia and 94% of them are approved by their local school boards which is a great thing. When they are not, the Department of Education handles that in their own way. Ms. Noll stated that this absurd change to the Georgia Constitution is something that she hopes Council would consider opposing because not only is it redundant and a waste, it will also cost \$1 million a year just to run the Commission. We value our tax dollars. In education they have gone through billions of dollars in tax cuts due to austerity and you have seen that in our local schools. There has been over \$5 million in cuts to the Valdosta City Schools this year alone. Our teachers have to do more with less and our districts have adjusted by making the school year shorter and adding teacher furlough days. If this Amendment is ratified, it would not alleviate the situation but make it worse. We would have more tax dollars diverted to a different pot of money. We have one fund for education and all education dollars come out of that fund. This Commission would allocate twice as much money to go to certain students and the regular education students would then get half of what they get now. We simply cannot afford this and we need the best education for our students in Georgia. Our School Boards ratified a Resolution stating that they supported fully funded schools and that is in the City's best interest as well because if our schools are paying for other students to get double as much money that means that our schools are going to have to make it up somehow. They have been very clever in avoiding a millage rate increase, but if they are pushed any further then they would have to come to Council and ask for an increase. This would mean higher taxes for a redundant Commission that does not serve our students and takes power away from our local elected officials. This Amendment to the Constitution is a bad idea for Georgia, Valdosta, our schools, and our education and is a move backwards.

Ken Klanicki, 2208 Jerry Jones Drive, stated that there has been an on-going stalemate for several months in the Local Option Sales Tax (LOST) negotiations. He spoke in private with one of the participants as to who was holding this up and was told that it is Ashley Paulk. This past Tuesday he attended the Lowndes County Commission Meeting to express his opinion. He was called down by the Commissioner and had to leave the building with an armed Sheriff's Deputy. Mr. Klanicki inquired as to why Ashley Paulk would block this. He has been told by very good authority that after the first negotiation, the City of Valdosta and the smaller Cities made a concession and instead of asking for 46% geared back to 42%. He was told that Ashley Paulk then increased the ante. If SPLOST VII does not pass then all of the funds and money that has been spent is wasted. If SPLOST VII does pass all of this money has still been wasted and it has gone for what. Mayor Gayle stated that if Mr. Klanicki would call his office and make an appointment he would be glad to discuss this with him.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (4-0) to adjourn the October 11, 2012 meeting of the Valdosta City Council at 6:40 p.m. to meet again in regular session on Thursday, October 25, 2012.

City Clerk, City of Valdosta

Mayor, City of Valdosta