

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

**OPENING CEREMONIES**

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., John Eunice, Robert Yost, and James Wright. Councilman Willie Head, Jr. arrived at 5:42 p.m. The invocation was given by Rev. Fred Howard, Unitarian Church, followed by the Pledge of Allegiance.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE NOVEMBER, 2009 EMPLOYEE OF THE MONTH AWARD**

Consideration of the November, 2009 Employee of the Month Award (Gabriel Walker, Public Works Department).

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

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

Gabriel Walker was employed by the City of Valdosta as a Refuse Collection Driver in the Public Works Department in September, 2008. In this position, he is responsible for operating a residential Sanitation route while ensuring the safe operation of his vehicle and its crew. For some time prior to this, Mr. Walker worked part-time as a Light Equipment Operator in the Public Works Department until a position came open. His long standing desire to become a fulltime employee of the City as well as his excellent work record paid off when he was promoted to the full-time Driver position. Since his employment with the City, Mr. Walker has always been someone who goes above and beyond what is required. After several employees retired this year, he stepped forward and volunteered to take on additional route work to make sure the work was completed and the service to the citizens did not suffer. Because he works so efficiently, he usually finishes his route early each day. Instead of returning to the yard, he always radios his colleagues to find out who needs help. After providing assistance as needed to complete the route, all crews return together under his lead. Henry Ford once stated that "Coming together is a beginning, keeping together is progress, and working together is success." Mr. Walker's dedication to his job and his commitment to customer service has been an inspiration to other employees and continues to ensure that the citizens of Valdosta receive service in a timely, efficient, and courteous manner. For these reasons and many others, the Employee Relations Committee nominated Gabriel Walker as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the October 22, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

**CITIZENS TO BE HEARD**

Mel Samuelson, 114 West Park Avenue, stated that he was opposed to one of the Agenda Items and had passed out a copy of his opposition to the Mayor and Council; however, he has since learned that the request has been withdrawn. Mayor Fretti stated that there was a request from the applicant to withdraw the rezoning case for property located at the intersection of North Toombs and Wayne Avenue.

George Boston Rhynes, 5004 Oak Drive, stated that he spoke at the last Council meeting about some of the elected officials being in company of certain people on radio stations where they referred to the Executive Commander-in-Chief of the Armed Forces as a clown and where the word "racist" was used quite frequently. To criticize the Executive Commander-in-Chief of our troops stationed in Iraq, Afghanistan, along with the Squadron and Wing Base Commanders at Moody Air Force Base, Georgia, is not good for our City. When we repeatedly see

and hear that our elected officials are in company with people who carry this on it is not in the best interest of the Commanders who already have trouble in keeping discipline and morale up in their Squadron. The day following last month's meeting, the Valdosta Daily Times reported that citizens said that elected officials are insulting the President on the radio. The article was by Johnna Pinholster. Early that morning, Mr. Rhynes had recorded a local radio station where the Mayor was a guest on the station and used the opportunity to interpret his comments at the Council meeting as political posturing and for Mr. Rhynes to accuse one or two elected officials may have been racially motivated. The Mayor also said that Mr. Rhynes attends every City Council meeting and Mr. Rhynes would let the record on that speak for itself. Mr. Rhynes stated that he had a transcript of last month's meeting and it was in the best interest of his credibility, character, who he is, what he represents, and who he spoke on behalf of which was the military people. Mr. Rhynes stated that he was a retired veteran and those men put their lives on the line. There are a lot of people at Moody Air Force Base are listening to what we say. Mr. Rhynes stated that he never said any Council member or any elected official said anything that was insulting to the President; however, being in the company of people who call our Executive Commander-in-Chief of our Armed Forces a clown is not in the best image of our City or Moody Air Force Base Wing Commander.

John Robinson, 3237 San Juline Circle, Lake Park, Georgia, stated that he was concerned about the new Small Emerging Business Program. Mr. Robinson inquired as to what guarantees the disadvantaged minority businesses had pertaining to a fair share of getting projects from Lowndes County and the City. There has not been any fairness at all from the City. Mr. Robinson stated that he would like to find out some information pertaining to the disparity study. He spoke to Ms. Ivory in Jacksonville where he was a certified disadvantaged minority business with their program which the City of Valdosta is using as a model. The disparity study that the City of Valdosta is using is over ten years old and does not provide them with any guarantees at all. They are participating and active citizens in business and they expect to be participants in the roles as far as the bid process and the set aside process instead of those things that are normal benches where certain people are excluded. Some people may say it is race issues but history has always revealed itself as an ongoing cycle of things and events in time as far as fairness and unfairness due to the circumstances. They need some guarantees because they have less ownership than anything else in City.

## **PUBLIC HEARINGS**

Mayor Fretti stated that Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority, will be representing Agenda Item 5f and he is also the Co-Chairman of the American Heart Walk which will begin in ten minutes and is scheduled to give comments. Mayor Fretti asked Council's consideration in moving this Agenda Item to the first Public Hearing. There was no objection from Council.

## **ORDINANCE NO. 2009-44, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE**

Consideration of an Ordinance to rezone 155.83 acres from Highway-Commercial (C-H) to Manufacturing (M-1) to accommodate proposed wholesale, industrial, and/or distribution uses as requested by the Valdosta-Lowndes Industrial Authority (File No. VA-2009-24). The property is located at the northwest corner of South St. Augustine Road and Lloyd Jackson Road. The Planning Commission reviewed this request at their October regular meeting and recommended approval with the condition that truck traffic not use Lloyd Jackson Road (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrative, stated that the applicant is requesting to rezone eight parcels containing 155.83 acres from Highway-Commercial (C-H) to Manufacturing (M-1) to accommodate proposed wholesale, industrial, and/or distribution uses. The parcels are currently undeveloped. At the Work Session, Councilman Vickers had requested that Ms. Wolff conduct a search of the Minutes from a previous Council meeting regarding the use of Lloyd Jackson Road. Ms. Wolff provided the Mayor and Council with a copy of the Minutes from the 1996 meeting when there was discussion of rezoning the property to M-2 on the south side of Lloyd Jackson Road. As Councilman Vickers had mentioned, there was discussion throughout that meeting regarding no traffic coming in and out of Lloyd Jackson Road and if the annexation was approved that should be included in the motion. While the verbiage was not specifically included in the motion, it did state that the contingencies of buffering and ingress and egress be made a part of the annexation and rezoning as stated. Also

within the discussion of this case about a non-encroachment area along Lloyd Jackson Road. Based on these Minutes, it provided that no ingress and egress would occur on the M-2 zoned area off of Lloyd Jackson Road. The property is located in a Suburban Character Area on the Future Development Map and this area will be reviewed for possible change to an Industrial Activity Center Character Area during the upcoming amendments to the Future Development Map. The property was rezoned to Highway-Commercial (C-H) in October, 2007 (File No. VA-2007-48) with the following conditions: (1) Installation of a 25-foot fenced vegetative buffer along the west and south sides of the property where it abuts residential uses, and (2) All lighting along the perimeter will point downward and away from adjacent properties. The permitted M-1 uses should not have any additional impact than the already permitted C-H uses could have. Lloyd Jackson Road is currently not constructed to meet truck traffic standards; however, in the future, the road may be improved to accommodate truck traffic. Staff is supportive of having the City Engineer install signs along Lloyd Jackson Road to not allow truck traffic at this time which would be an appropriate method of regulating the truck traffic rather than using zoning to regulate it. Given the proximity of the property to an existing Industrial Park and I-75, as well as its location on an arterial road, Staff found the request consistent with the Comprehensive Plan and recommended approval of the rezoning request. The Planning Commission reviewed this request at their October 26, 2009 regular meeting and recommended approval (8-0 vote) based on the request's consistency with the Goals and Policies of the Comprehensive Plan and with the condition that truck traffic not use Lloyd Jackson Road.

Bill Langdale, Attorney, 1006 North Patterson Street, spoke in favor of the request. Mr. Langdale stated that he represented the applicant and the rezoning would be a logical expansion of the Industrial Park. This is a shovel-ready project and they could bring prospects in and create new jobs in the community. The property is located between parcels that are zoned M-2 and it should be rezoned to M-1. Mr. Langdale stated that he came before Council in 1997 to have the property rezoned to C-H. There are very few differences in allowable uses between C-H and M-1 but M-1 is limited to indoor manufacturing. In addition, under the new Land Development Regulations (LDR), there is greater buffering requirements and more protection to the adjoining owners under M-1 than C-H. The property will not be owned by an individual who would be free to do anything he wanted to with all of the uses allowed under the zoning. The property will be owned by the Industrial Authority which foster and protect the property and develop it properly. In addition, there will be restrictive covenants. This will be an upscale Industrial Park and will have masonry sides all the way up along with landscaping. Councilman Vickers inquired as to what Mr. Langdale's position was on Lloyd Jackson Road. Mr. Langdale stated that it would be a mistake to put a condition on this property as to how Lloyd Jackson Road could be used. It will be a City road and controlled by the City so it should be handled by the Engineering Department. Councilman Vickers stated that the same condition exists now because there is a Single-Family residence west of the property and one of the things that Councilman Yost has been adamant about is protecting the Single-Family residences. Councilman Vickers supported this in 1996 and he felt that they needed to take some caution now because they cannot see the future. St. Augustine Road is sufficient enough to handle the traffic in and out of there and once the Lloyd Jackson Road is upgraded then it could be brought back before Council to review. They need to keep the condition on the road because that was one of the reasons he seconded Councilman Ron Borders' motion. Councilman Vickers stated that he was in favor of rezoning the property but he felt that they needed to continue to uphold what Council agreed to in 1996 because things may be different ten years. Bill Langdale stated that the City had a good method to control the road but controlling it through zoning is not as good a way to control it. The best way to control it would be through the Engineering Department.

Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority, stated that they spent a year looking at different sites and the factors that go into Industrial Park property. They looked at access to the Interstate, great transportation, and developable and shovel-ready capability. The Azalea West Business Park is a premier Industrial Park and is home to Lowe's Distribution Center, Dillard's, Federal Express, and a new pharmaceutical project. Brad Lofton stated that they are committed to continue to ensure that the new Industrial Park will be done professionally. Mayor Fretti inquired as to whether there were any design plans for a major entrance and exit off of Lloyd Jackson Road. Brad Lofton stated that they had no plans for a major entrance and exit off of Lloyd Jackson Road at this time. Councilman Eunice inquired as to whether there were any immediate plans to utilize Lloyd Jackson Road as a major truck thoroughfare if the rezoning was granted as recommended by Staff with no conditions. Brad Lofton stated that there are no plans to access Lloyd Jackson Road. The current weight limit on the road does not allow tractor trailer trucks and they would prefer the rezoning with no conditions.

Councilman Carroll stated that one of the properties that abuts Azalea West Industrial Park is the Voight property and inquired as to how the Voight's access their property. Brad Lofton stated that they access the property via Lloyd Jackson Road which is the only route they can use. Councilman Carroll stated that the Voight's have no direct access from Azalea West. Brad Lofton stated that was correct. They originally had it planned to have access from Azalea West but when the Lowe's expansion occurred that access was terminated. Councilman Carroll inquired as to whether they were condemning this property. Brad Lofton stated that the property currently has access via Lloyd Jackson Road and they were working with the Voight's during the Lowe's expansion and they were aware of how the access was being manipulated at that time. Mayor Fretti stated that they did not have any truck access due to the weight limit on Lloyd Jackson Road. Councilman Payton inquired as to what Mr. Lofton's view was on not utilizing Lloyd Jackson Road. Brad Lofton stated that they wanted to develop the property for clients that come in and have it shovel-ready. They do not envision any access to Lloyd Jackson Road at this time but five or ten years down the road they are not sure. They want to be good neighbors to the residents in that area and whatever solution is determined needs to be a good fit for the community and for the Industrial Park. They do not want to tie the tract with a rigorous condition but at the same time they want to make sure it is a good fit for the community.

Terry Walker, 1930 Lloyd Jackson Road, spoke in opposition to the request. Mr. Walker stated that he thought that they would say that Lloyd Jackson Road would not be used because that is what they were told in 1996. They were told that they would not use Lloyd Jackson Road for car traffic or anything and now they are trying to say that they are not going to use it for truck traffic which was not the agreement. Mr. Walker thanked Councilman Vickers for speaking up for them because he was not expecting any of the Councilmen to be supportive of the residents on Lloyd Jackson Road. This rezoning will probably pass because other property is being used as an Industrial Park but he wanted to reiterate that this is a residential area. When Mr. Walker moved out there it was a dirt road and he wanted to live in the country. He has pastures and keeps horses and cows and he does not want to be in the City. Mr. Walker asked that the lighting be considered because when he first moved out there you could see deer up and down the road but not anymore. When you drive by Smith Distribution it is like driving through downtown Valdosta. They also hear backup alarms from Lowe's Distribution at night. This is the country and he has lived there for 23 years and not bothered anyone. They were assured by Myrna Ballard that they would not use Lloyd Jackson Road. Mr. Walker stated that several years ago someone came and dug a ditch on the back side of his fence and killed some 200-year old trees. Bill Langdale and Larry Dean came out to visit his home and they took those trees down. Mr. Walker stated that he appreciated their assistance because the trees had been falling on his fence. Mr. Walker also thanked Brad Lofton for not putting an entrance on the road when the new Smith Distribution Center was built. He also thanked W. G. Walker because he was the only one at the Planning Commission meeting who spoke up for the residents living on Lloyd Jackson Road. They voted to approve this not knowing the situation. Mayor Fretti stated that at the Work Session Council discussed not allowing trucks on Lloyd Jackson Road at all and posting it through the Engineering Department instead of zoning because there might be a legal question as far as attaching a condition on a public street to a rezoning. The legal question asked was whether the City could do that because it is land use versus flow of traffic. They want to protect the road through posting before they would do something that was judicially imprudent. Everyone on Council does not want trucks going through there and it may need to be done a different way. Mr. Walker stated that it is very difficult for him to enter St. Augustine Road to turn to go to town especially when the train has blocked the road. It is a busy highway and they cannot put a traffic light there.

Councilman Eunice inquired as to whether the City Engineer had total control over the local roads and the weight limits for these roads. Von Shipman, City Engineer, stated that he would not allow any vehicle over five tons on Lloyd Jackson Road because it was not built to handle heavy vehicles. During the permitting process the City Engineer controls all access and they would not approve a driveway that tied into any truck facility. There could be a legitimate reason for some small parking areas for a few employees at some type of facility that could be built at that particular corner because the lot is not that deep and the five ton limit is not much. Councilman Eunice inquired as to what the process would be for someone to go through 10 or 15 years from now if they wanted to increase the weight limit on Lloyd Jackson Road. Von Shipman stated that he would be sensitive and work through the leadership to try to strengthen the road to carry that kind of weight. It would be a sizeable project and they would have to put four to five inches of asphalt, rebuild the shoulders, and make it wider. It would be a massive project that Council would have to approve. Councilman Eunice stated that regardless of whether they put a

condition on it or not it would come back before Council. Von Shipman stated that was correct. It is an awkward intersection at St. Augustine Road, Old Clyattville Road, and Lloyd Jackson Road and there may need to be some improvements to better align the intersection and make it safer. Councilman Wright stated that in the minutes referred to by Councilman Vickers it seems that part of the road would be allowed to be used and part would not be allowed to have any ingress or egress. Councilman Vickers stated that Lloyd Jackson Road would not be used in any shape, form, or fashion. Anne-Marie Wolff stated that there is an area along Lloyd Jackson Road which is the 200 foot buffer and no driveways would be able to come in off of Lloyd Jackson Road for the property that the zoning applied to. Councilman Vickers inquired as to whether a road could be included on the narrow section that goes back out to St. Augustine when they prepare the design. Von Shipman stated that the County recently relocated a median cut on St. Augustine and there is a nice median cut at the top of the hill. Councilman Vickers stated that in the past there have been requests to remove a condition from a zoning so if we follow the Planning Commission's recommendation along with the pledge and understanding they could keep the integrity of what occurred in 1996 regarding development and utilization of this property without having to access Lloyd Jackson Road. If a condition is placed on the property and in the future there are some plans that they want to bring it back to Council, then they could remove the condition if necessary. Councilman Carroll inquired about the plans on the Transportation Master Plan for this road. Von Shipman stated that a long-term plan is to create a southern by-pass that would follow portions of Lloyd Jackson Road in a fashion that would be negotiated. This was placed on the Master Plan as a road that would connect from West Hill Avenue at James Road and connect to St. Augustine Road by flying over or building an overpass over the Interstate to allow traffic to come into St. Augustine. It was shown to run through the southern part of the community to Griffin Avenue and to Perimeter Road. This was a concept and there has not been a lot of planning and studying of it because there are some environmental issues to deal with. Councilman Eunice stated that he has heard a lot of discussion about the rezoning request and understands the importance of keeping the integrity of the road intact and he has full faith in Von Shipman and his team of Engineers to do that. If there is a future request to access the road, then he was confident with what Council has been told tonight. They want to protect Lloyd Jackson Road and there are two ways to go about it.

**A MOTION** was made by Councilman Eunice to approve the rezoning request and follow the recommendation of Staff without the conditions placed on Lloyd Jackson Road and at a time in the future that the City Engineer brings before Council a funding request. Councilman Carroll seconded the motion. Mayor Fretti inquired as to whether Councilman Eunice and Councilman Carroll also meant for the City Engineer to take control of the road as it pertains to truck traffic. Councilman Eunice and Councilman Carroll were in agreement. Councilman Yost inquired as to what would be the next step if Council approves the rezoning as stated and the City Engineer came back before Council and noted that there were some truck traffic problems on that road. Councilman Yost stated that he was not against the motion but they need to protect those individuals and ensure that their welfare is taken care of and approve the rezoning of the property. Larry Hanson, City Manager, stated that Von Shipman would post signs on the road indicating no truck traffic and a weight limit. Von Shipman stated that they would post weight limits for the road and also work with the Police Department to monitor the road. Councilman Yost stated that it would not come before Council in a form of a motion to prevent truck traffic and it would be entirely up to Von Shipman and the Engineering Department. Von Shipman stated that was correct and any upgrade would come back before Council as a construction project authorization. The portion of upgrading that section of road would be in the \$75,000-\$85,000 range. Councilman Yost inquired as to what the next step would be if Council approved the condition on the road. Von Shipman stated that the same thing would apply and signs would be placed on the road along with the weight limit.

**A SUBSTITUTE MOTION** was made by Councilman Vickers to follow the recommendation of the Planning Commission with the condition. The motion was seconded by Councilman Payton. Councilman Yost called for a Point of Order because there was a motion on the floor. Councilman Vickers stated that he could make a substitute motion which supersedes the regular motion. Councilman Eunice inquired as to whether you could have a substitute motion in zonings and inquired if the property would be dead for one year if it were to be denied. Mayor Fretti stated that parliamentary procedure is still the same whether it is zoning or policy. There has been a motion and a second to a substitute motion so Council will need to vote on the substitute motion up or down like you would on amendments in reverse order back to the main motion. If the substitute motion passes then it would supersede the original motion. Larry Hanson stated that if it fails Council would go back to the main motion. Mayor Fretti called for any discussion on the substitute motion. Councilman Wright stated that the original intent

of Council when they passed this was that they had agreed to set aside an unencroachable area along Lloyd Jackson Road which would protect the integrity of the neighborhood. In the motion, it states that buffering, ingress, and egress be made a part of the annexation which is further protecting the neighborhood. Councilman Carroll stated that there was one thing that needed to be considered and was in part the reason why he seconded the original motion. One way to approach being fair to the homeowners would be to ask Council how long they think we are going to hold back industrial traffic on Lloyd Jackson Road when it is on the Master Transportation Plan to become a road to serve industry and that there is an industrially zoned parcel (the Voight property) which is not part of Azalea West and not part of this request and therefore is not bound by any restrictions for truck traffic other than what the City Engineer places on that road to access that property. We are being unfair to those residents to think that we are going to hold industrial-related traffic at bay forever because it is eventually going to happen. The substitute motion failed 3-4 with Councilman Eunice, Councilman Carroll, Councilman Yost, and Councilman Wright voting in opposition.

Mayor Fretti stated that they would now go back to the original main motion. The main motion was adopted 5-2 with Councilman Head and Councilman Payton voting in opposition to enact Ordinance No. 2009-44, an Ordinance to rezone 155.83 acres from Highway-Commercial (C-H) to Manufacturing (M-1) to accommodate proposed wholesale, industrial, and/or distribution uses as requested by the Valdosta-Lowndes Industrial Authority with the conditions noted above, the complete text of which will be found in Ordinance Book XI.

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE POSTPONED**

Consideration of an Ordinance to rezone 11.53 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-M) as requested by Jimmy Bennett (File No. VA-2009-22). The property is located between Hickory Road and Harmon Drive. The Planning Commission reviewed this request at their September and October regular meetings and recommended postponement until the November regular meeting (6-2 vote). Mayor and Council postponed the request at the October 8, 2009 regular meeting until the November 5, 2009 regular meeting.

Mayor Fretti entertained a motion to postpone the request.

**A MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (7-0) to postpone the request to rezone 11.53 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-M) as requested by Jimmy Bennett for one month until the first Council meeting in December.

**ORDINANCE NO. 2009-45, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE**

Consideration of an Ordinance for a Conditional Use Permit to allow a minor auto maintenance and repair business in an Urban Commercial Corridor Overlay District as requested by Andrew Corrao, DBA American Tire & Auto (File No. CU-2009-07). The property is located at 2620 Bemiss Road. The Planning Commission reviewed this request at their October regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting a Conditional Use Permit to allow a minor auto maintenance and auto repair business in an Urban Commercial Corridor Overlay District. The property, which is located on the southwest corner of Bemiss Road and Blue Pool Drive, is currently zoned Highway-Commercial (C-H). The parcel consists of .53 acres and contains a vacant building. The site plan depicts the existing structure and utility lines with entrances off of Blue Pool Drive and Bemiss Road. There are no proposed changes to the existing structure. The parcel is located within a Community Activity Center Character Area on the Future Development map and in an Urban Commercial Corridor Overlay District. Under the Land Development Regulations, minor auto repair and service facilities are permitted by Conditional Use only in the Urban Commercial Corridor Overlay due to the potential for incompatible uses or negative impacts. In this case, the uses in the immediate area are similar to the request, with the exception of the residences to the west. Based on the fact that the proposed use meets the Conditional Use Permit Criteria and is consistent with the Comprehensive Plan and the surrounding uses, Staff recommended approval. The Planning Commission reviewed this request at their

October 26, 2009 regular meeting and recommended approval of the request (8-0 vote) based on the request's consistency with the surrounding development and with the Goals and Policies of the Comprehensive Plan.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Payton, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of Staff and enact Ordinance No. 2009-45, an Ordinance for a Conditional Use Permit to allow a minor auto maintenance and repair business in an Urban Commercial Corridor Overlay District as requested by Andrew Corrao, DBA American Tire & Auto, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2009-46, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE**

Consideration of an Ordinance for a Conditional Use Permit to allow duplexes in a Single-Family Residential (R-6) District as requested by Richard Miller (File No. CU-2009-08). The property is located at 1401 and 1403 River Street. The Planning Commission reviewed this request at their October regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrative, stated that the applicant is requesting a Conditional Use Permit to allow duplexes on three parcels in a Single Family Residential (R-6) district. The parcels, which are located on the southwest corner of the intersection of River Street with Springhill Street, consist of a total of 0.76 acres. A house is located on one parcel and the other two parcels are undeveloped. The site plan depicts two duplexes on separate lots with one duplex having four parking spaces and the other six parking spaces. The parcel is located within a Transitional Neighborhood Character Area on the Future Development map. The property was rezoned in 2007 to Multi-Family Residential (R-6) zoning to allow for the construction of duplexes. The impact on roads and utilities would be minimal and the developer would be required to extend water to the property. Based on the fact that the proposed use meets the Conditional Use Permit Criteria and is consistent with the Comprehensive Plan, Staff recommended approval of a Conditional Use Permit for two duplexes. The Planning Commission reviewed this request at their October 26, 2009 regular meeting and recommended approval of the request (8-0 vote) based on the request's consistency with the Goals and Policies of the Comprehensive Plan.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2009-46, an Ordinance for a Conditional Use Permit to allow duplexes in a Single-Family Residential (R-6) District as requested by Richard Miller, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2009-47, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE**

Consideration of an Ordinance for a Conditional Use Permit to allow a Child Daycare Center in a Residential-Professional (R-P) District as requested by Netarsha Y. Gibson (File No. CU-2009-09). The property is located at 2900 North Oak Street. The Planning Commission reviewed this request at their October regular meeting and recommended approval (5-4 vote) with the following conditions: (1) No more than 18 children, (2) Installation of an opaque fence around the outdoor play area, and (3) Hours of operation limited to 6:30 a.m. to 8:00 p.m.

Anne-Marie Wolff, Planning and Zoning Administrative, stated that the applicant is requesting a Conditional Use Permit to allow a child daycare center in a Residential-Professional (R-P) district. The parcel,

which is located at the northeast corner of North Oak Street's intersection with Thea Lane, consists of 0.46 acres. The structure located on the property was formerly a physician's office. The applicant was proposing approximately 50 children and three operating shifts: 6:00 a.m. – 6:00 p.m., 6:00 p.m. – 12:00 a.m., and 12:00 a.m. – 6:00 a.m. The site plan depicts the existing structure, an asphalted ingress/egress off of North Oak Street and Thea Lane, with space for drop off/pick up of children, and space for parking; however, if approved, Staff is recommending that the parking be in the front of the property only. Staff is also requesting an opaque fence in order to limit the impact of the children playing outside on the residential properties that are in close proximity. The property is located within a Community Activity Center Character Area on the Future Development Map which supports the use of a daycare. Originally, there was not a specific number of children that the applicant was requesting other than the maximum capacity that the house would have which would be anywhere from 55-57 children. Staff was concerned about that number of children allowed at one time or even throughout the day. The applicant did speak with Staff and they came up with a proposed list of conditions. The application does desire to have three time periods creating a 24 hour daycare; however, with the conditions the hours would be from 6:00 a.m. to 12:00 a.m. and the breakout of hours and children are as follows: (1) 6:00 a.m. to 3:00 p.m. - no more than 25 children and no more than 10 children outside at one time, (2) 3:00 p.m. to 7:00 p.m. - no more than 15 children and no more than 10 children outside at one time, and (3) 7:00 p.m. to 12:00 a.m. – no more than 5 children and no children outside. Staff agreed with these conditions and felt they addressed the concerns discussed at the Work Session; however, they were still concerned about setting a precedent in allowing more than 18 children in a Residential-Professional zoning district. Eighteen is the number that Council has consistently used in all other daycare requests for Residential-Professional zoning. It would be different if it was zoned Community-Commercial (C-C) or Neighborhood-Commercial (C-H) but is it not. Staff did feel that the conditions would help limit the impact of the daycare on the neighborhood. The Planning Commission reviewed this request at their October 26, 2009 regular meeting and recommended approval of the request (5-4 vote) with the Chairman breaking a tie and to include the following three conditions: (1) no more than 18 children, (2) installation of an opaque fence around the outdoor play area, and (3) hours of operation limited to 6:30 a.m. and 8:00 p.m. The recommendation for approval with conditions was based on the existing professional and residential development surrounding the subject property. The Planning Commission expressed their concerns that a 24-hour commercial daycare and a maximum number of children of 57 is more commercially intense than the existing development and premature for the immediate area.

Councilman Yost inquired about the number of children in the new proposed conditions and whether 10 of the first 25 children would go home. Anne-Marie Wolff stated that was correct. Those children would be picked up and then the after school children would come to the daycare. These numbers were provided by the applicant. Councilman Yost inquired as to who would monitor the number of children. Anne-Marie Wolff stated that zoning conditions are typically complaint based. These would be part of the applicant's zoning record that would be provided to the State so when they issue her license they would be aware of any zoning approvals and note it in the license. Councilman Payton inquired as to whether there were additional restroom accommodations required for 25 children. Anne-Marie Wolff stated that they do not really get into that part of the licensing and that is something that would happen when the applicant submits plans for review and applies for her license with the State. Councilman Payton inquired about the playground equipment in the yard. Anne-Marie Wolff stated that the building was previously an insurance office and a medical office there was no playground equipment in the yard when they took pictures of the property. Mayor Fretti stated that for clarification purposes Anne-Marie Wolff is recommending 18 children. Councilman Payton inquired about the definition of an opaque fence. Anne-Marie Wolff stated that an opaque fence would mean that you could not see through it and would be either a wood or vinyl privacy fence. Councilman Payton inquired as to whether the chain link fence would need to be changed out. Anne-Marie Wolff stated that was correct if the condition for that was applied. Councilman Carroll inquired as to whether there was a revised site plan showing the parking and drop off and pick up in the front. Anne-Marie Wolff stated that she did not have a revised site plan. Councilman Carroll inquired as to whether the property was served by City water and sewer. Henry Hicks, Utilities Director, indicated that it was on City water and sewer. Councilman Head inquired as to whether the chain link fence could be made opaque by adding slats through the chain links. Anne-Marie Wolff stated that she would need to check the Land Development Regulations because that is not the preferred style of fencing. Councilman Wright stated that at the Work Session it was discussed that the daycare was approved for 57 children. Anne-Marie Wolff stated that it was not approved but noted by individuals during the review process that the space could hold that many. Councilman Wright stated that when he

spoke about land use and businesses coinciding with each other this is the exact same thing as the Lloyd Jackson Road rezoning. We want to restrict this one but allow that one. If Council allows that business to go in then they should allow this one to go in. Larry Hanson stated that the Fire Department inspects daycares once a year and that is another opportunity to verify compliance.

Nertasha Gibson spoke in favor of the request. Ms. Gibson stated that she attended the Work Session and had some answers to the questions that were posed regarding the bathrooms and the number of children. There are three bathrooms in the building and according to the rules and regulations it would be 26 to 50 children for three bathrooms. It also states that each additional group of 25 children would require one additional toilet. For children being potty trained it would require at least one flush toilet and two nursery potty chairs may also be substituted for the subsequent required toilet. Regarding the Staff and child ratio, if Council approves 18-15 children they only allow you to mix certain age groups. The Staff ratios are: (1) One-year old children – one adult per eight children, (2) birth to eighteen months not walking – one adult to six children, (3) two year olds – one to ten, (4) three year olds – one to fifteen, (5) four year olds – one to eighteen, (6) five year olds – one to twenty, and (7) six year olds – one to twenty-five. If the State approves 18 children that would be for a group daycare home which starts at 18 and a child care center starts at 25 children. Ms. Gibson stated that if she has 18 or 25 children and they are different ages she would have to have a person cover each age group. If she is not financially stable enough to cover two to three children at different ages with one person it would not work. Ms. Gibson stated that the only reason she went with 57 children was because when the building inspector came out he stated she could probably have 57 children because of the three bathrooms.

Councilman Eunice inquired as to whether the applicant would be agreeable to 18 children in the house. Ms. Gibson stated that she could not stay in the building if she had 18 children because she could not make enough money. Those 18 children are not guaranteed because some parents do not pay and some do not come all the time. Ms. Gibson would have to have people who are trained and certified so 18 children would not be a sufficient number in order for her to provide payment of her bills and personnel. Councilman Payton inquired as to whether the chain link fence would be a major expense to change it out. Ms. Gibson stated that it would be a major expense to change it. Councilman Payton inquired as to what the Planning Commission's logic was in requiring an opaque fence. Ms. Gibson stated that she was not sure. When she called on the Planning Commission's meeting date she had no idea of what they were going to propose to her. She had only called to confirm the date and time and she was told that they needed her email address because they had some documents for her to review. When she received the documents, they were asking for 18 children, an opaque fence, and open only at those hours. Larry Hanson, City Manager, stated that the opaque fence was primarily for sound. There are cases when there are different types of uses that abut a residential areas which may cause complaints from neighbors about noise. There could be someone who works shift work and tries to sleep during the day so the intent of that would be to buffer sound. Councilman Carroll inquired as to whether having no more than five children from 7:00 p.m. to 12:00 a.m. is a critical need in the success of her business. Ms. Gibson stated that the reason she said five children was because she was already limited to the number of children she could have and she was trying to compromise with what the Zoning Staff wanted. She has been in the family daycare business for a year and there are parents who have a need for night care which is hard to find. She was basing that on what she is already providing in her home. In order for her to stay within the Staff requirements, she only said five children. Ms. Gibson stated that the only parking space they have is actually on the side of the street and across the street is a surgery center where there is a lot of traffic. Prior to her interest in the building, they used to park at the building that she has an interest in. There is only one residence behind the building and all the other residential houses are down the street. Ms. Gibson plans to have a structured business and would not bother her neighbors or disturb anyone. Mayor Fretti inquired as to whether Ms. Gibson would like to continue to have parking on the side. Ms. Gibson stated that in the front it is ingress and egress for parents to drop off the children and on the other side there is parking for maybe the employees or a bus or van. She had planned to have someone assisting the parents bringing their children in so they can get in their vehicles and go to work. Mayor Fretti inquired as to whether Ms. Gibson had a site plan. Ms. Gibson stated that she had previously submitted a site plan but had made some changes. Mayor Fretti inquired as to how many parking spaces there were. Ms. Gibson stated that there were eight parking spaces.

Roy Taylor, 2209 Bridlewood Drive, spoke in favor of the request. Mr. Taylor stated that he bought this property 23 years ago and it was zoned Residential-Professional. Most of the property on that street is commercial.

He had 24 agents and 8 employees in that building and they never had a problem or complaint from the neighbors. Mr. Taylor would never rent to anyone that he thought the neighbors would complain about. Dr. Bridget Moore's office is near the next neighbor's house and she has enlarged her office three times and has a tremendous amount of traffic. Behind the property is a neighbor and Mr. Taylor has already put up a new steel fence. At the Planning Commission meeting Mr. Taylor stated that he would put up a six foot high vinyl fence between his property and his neighbor's property to act as a sound barrier. The neighbor has a large building in his back yard and a big hedge between the property lines which cuts out a tremendous amount of sound. Ms. Gibson cannot create new jobs and make a living with just 18 children. All of the children will not be out in the yard at the same time and most of the children she keeps are very young. She is a very admirable person and does a wonderful job in taking care of the children. The property currently has eight to ten parking spaces and they could possibly turn more space into parking. Mr. Taylor stated that they had one neighbor who complained at the Zoning office and the neighbor certainly has the right to do that. They would not do anything to hurt the neighbor and he would not have rented the property to Ms. Gibson if he thought it would hurt the neighbor. The building is approximately 3,000 square feet and has three bathrooms and eight large rooms so there is plenty of room for 57 children even though she will not have that many because the State will tell her how many children she can have. Mr. Taylor asked Council's consideration in granting the request and allowing Ms. Gibson to operate a business. Councilman Payton inquired as to whether Mr. Taylor would put up a fence. Mr. Taylor stated that he was going to put up a vinyl fence between the property lines all the way across.

Susan Giddens, 2898 Thea Lane, spoke in opposition to the request. Ms. Giddens stated that she lives directly across from Dr. Bridget Moore's office and has lived in her home since 1977. She has watched a lot of changes occur in the area but what has happened is that now the neighborhood has become a cut through neighborhood to avoid some of the traffic on Northside Drive. To put that much more traffic on Oak Street and Thea Lane they are opening up that strip to non-stop traffic. Ms. Giddens walks a lot and goes to the track in the afternoons and she can hardly get across Oak Street to walk down the side of the street to get to the sidewalk to go to the track because of the traffic. She has yet to hear anyone tell her the days of operation of the daycare. Anne-Marie Wolff, Planning and Zoning Administrator, stated that it would be Monday through Friday. Ms. Giddens stated that they quiet down after 6:00 p.m. in the neighborhood and with the proposal of hours to 12:00 a.m. it would keep the traffic coming through the neighborhood. She was also concerned about who would monitor the daycare. They would like to maintain the neighborhood as it is now and not put more pressure on it.

Billy Childers, 2903 Thea Lane, spoke in opposition to the request. Mr. Childers stated that his property abuts to the back of Mr. Taylor's property. He has spoken with several neighbors and they had some proposals. They would like to have nothing after 7:00 p.m. and all of the access to be from the front of the building and not pulling out onto Thea Lane. Mr. Childers took some pictures of the area at 4:45 p.m. today to show the traffic congestion in the area. There was also a car wash going on at that time. The neighbors would also like to have a sound proof barrier fence rather than a vinyl fence. Mr. Childers stated that it was the general consensus of the neighborhood that the property is not suitable for a daycare and the traffic is horrendous. Councilman Carroll inquired as to whether the neighbors would be willing to compromise. Mr. Childers stated that they felt it was not suitable for a daycare. Councilman Head inquired about the mobile car wash. Mr. Childers stated that it is in the neighborhood two or three days each week and if it is not there it is at Dr. Bridget Moore's office. Councilman Head stated that the mobile car wash will take cars where there is a big spot to wash them and that is what has happened here because no one is occupying the facility. Mr. Childers wanted to show how small that area was if you have children being picked up and dropped off. Councilman Yost inquired as to what businesses could be placed on the property if this request was denied and the hours of operation. Anne-Marie Wolff stated that there could be any type of office such as an Architect or Insurance but there could not be any type of office that had outside storage or construction trucks. Within the Land Development Regulations, there are no provisions for the hours of operation. Councilman Vickers stated that he has a lot of experience with daycares because of his family and friend and she opens her daycare at 6:00 a.m. and the children come in from 6:00 a.m. to 9:00 a.m. There is a sign that states no children are allowed in the daycare after 9:00 a.m. unless they have a doctor's excuse. Most of the children leave between 3:00 p.m. and 5:00 p.m. and the daycare operates from 6:00 a.m. to 5:30 p.m. His brother's daycare operates from 6:00 a.m. to 6:00 p.m. They carry the children outside by groups. The school children come in when school is out starting at 3:00 p.m. and they are usually gone by 5:30 p.m. There have been several daycares that have tried to have evening hours but he has not seen one succeed yet. Ms. Gibson cannot

operate that building with 18 children because it would be a financial disaster. Councilman Carroll stated that what Councilman Vickers was saying was that 6:00 a.m. to 5:30 p.m. is the profitable time of day to operate a daycare and after 5:30 p.m. is an unprofitable time to operate a daycare. Councilman Carroll stated that he was concerned about the late hour operation and going over 18 children because it does set a precedent in that it is more of a commercial level of use and this is not commercial property; however, he felt that a compromise could be reached.

A **MOTION** was made by Councilman Carroll to approve the request with the following conditions: (1) 6:00 a.m. – 3:00 p.m. - no more than 25 kids and no more than 10 kids outside at one time, 3:00 p.m. – 7:00 p.m. – no more than 15 kids and no more than 10 kids outside at one time, and 7:00 p.m. – business stops, (2) Six foot opaque fencing in the back to create buffering, (3) Parking as recommended by the City Engineer not to have a lot of parking on the side of the property. Von Shipman stated that the parking up near the intersection is where he would propose that to be eliminated. He did not have a problem with the parking away from the intersection because the intersection is where his concern is on the side of the house. (4) Pick up and drop off (ingress and egress) for the parents will all take place from the front with the access to and from North Oak Street and not to Thea Lane. Councilman Head seconded the motion. Councilman Payton inquired as to whether the 7:00 p.m. – 12:00 a.m. time was not part of the motion. Mayor Fretti stated that was correct.

**AN AMENDED MOTION** was made by Councilman Vickers for the hours of operation to be 6:00 a.m. to 6:00 p.m. Councilman Vickers stated that the parents will get off of work between 3:00 p.m. and 6:00 p.m. and he was not interested in the hours of operation being later than 6:00 p.m. Councilman Eunice seconded the amendment to the motion. The amended motion passed 4-3 with Councilman Wright, Councilman Head, and Councilman Payton voting in opposition.

Mayor Fretti stated that they were back to the main motion with the conditions and one of those conditions has been changed for the hours of operation to end at 6:00 p.m. instead of 7:00 p.m. with the same amount of children being indoors and outdoors, parking, fence, and pick up and drop off. Councilman Wright stated that he voted against the amended motion because it is hard to dictate when a parent would get off of work and say that they would be there right at 6:00 p.m. They also discussed a precedent being set but Council trusts Staff and the State monitor daycares. Councilman Wright stated that he would support the motion made by Councilman Carroll but they typically support daycare centers as is and not place conditions on them. In the previous motion they discussed restricting a business and not restricting a business and they are doing the same thing here but just on a smaller scale. The main motion was unanimously adopted (7-0) to enact Ordinance No. 2009-47, an Ordinance for a Conditional Use Permit to allow a Child Daycare Center in a Residential-Professional (R-P) District as requested by Netarsha Y. Gibson with the conditions noted above, the complete text of which will be found in Ordinance Book XI.

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE WITHDRAWN**

Consideration of an Ordinance to rezone .33 acres from Single-Family Residential (R-15) to Residential-Professional (R-P) to accommodate a proposed Real Estate Office as requested by Austin Plyler and Satrina Plyler (File No. VA-2009-23). The property is located at the intersection of North Toombs Street and Wayne Avenue in the northwest corner. The Planning Commission reviewed this request at their October regular meeting and recommended denial (7-0-1 vote).

Mayor Fretti stated that the applicant has withdrawn the request.

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION TO ACCEPT AND SIGN AN INTERGOVERNMENTAL AGREEMENT WITHDRAWN**

Consideration of a Resolution to accept and sign an Intergovernmental Agreement between the Valdosta-Lowndes County Airport Authority, the City of Valdosta, and Lowndes County to use SPLOST funds for hangars at the Airport. Mayor and Council postponed the request at the October 22, 2009 regular meeting until the November 5, 2009 regular meeting.

Mayor Fretti stated that the Chairman of the Airport Authority has requested that this item be withdrawn and no action is needed.

### **ORDINANCE FOR INTRODUCTION OF BACKFLOW PREVENTION (FIRST READING)**

Consideration of an Ordinance for Introduction of Backflow Prevention. (First Reading)

Henry Hicks, Utilities Director, stated that this Ordinance will enhance the City's ability to ensure the long term safety and integrity of the water distribution system. Mr. Hicks recommended that the Ordinance be adopted at the second Council meeting with an effective date after the first of the year in order to have sufficient time to conduct a public relations and education campaign.

Mayor Fretti stated that he would like for the following summary to be posted on the City's Web Site: (1) No person shall construct or maintain a physical arrangement where the public water system is or may be connected directly or indirectly with any plumbing or storage system or any other device which could cause any contamination to the public water supply. This rule also pertains to anyone purchasing water from a public water system and reselling it to others. (2) All water suppliers will develop and document a backflow control program for the elimination and prevention of cross connections. This document shall be submitted to EPD for review, approval, and implementation. (3) Procedures for backflow and backsiphonage prevention and cross-connection controls shall conform to AWWA's Manual 14 and the U. S. Environmental Protection Agency Cross-Connection Manual. (4) Water supply shall require that all backflow prevention assemblies installed be field tested following installation, repair, and relocation at least annually. (5) Gauges used in the test of backflow prevention devices shall be tested for accuracy annually and documented in accordance with the University of Southern California Manual Cross-Connection Control or AWWA's Manual 14. (6) Each water supply shall maintain ongoing records for the following for a minimum of three years and made available to EPD upon request: current hazard assessments, location and type of backflow devices as well as associated hazards, results of all backflow prevention assembly field testing and air gap inspections and repairs made to or replacement or relocation of the backflow device. Mayor Fretti asked that Henry Hicks add the section about the three risks. Henry Hicks stated that the implementation will be done in phases and the first focus will be the high risk category which is mostly commercial industrial. The medium risk category is the next category, and the low risk is residential with underground irrigation and private wells.

Councilman Vickers stated that he understood a little about backflow and asked if Council would consider not having the first reading tonight in order to give them more time to study it and become more familiar with it. Even though there is a mandate from EPD, it would be good if Council members could answer the public's questions on this. Councilman Vickers stated that he would also like to have a better understanding of the cost. Larry Hanson, City Manager, stated that another alternative could be that Council has the first reading tonight since it was advertised and then set the second reading for the first meeting in December if Council feels that would provide a sufficient amount of time. Mayor Fretti stated that the intent of two readings was to provide it to the public so they could become familiar with it and once the first reading is done it is out in public; however, Council could delay the final adoption. Larry Hanson stated that if Council was still not comfortable with the Ordinance they could even postpone it at the first Council meeting in December. Councilman Vickers stated that he was in agreement with that. Councilman Wright stated that this was quite a bit of information to absorb and he was not aware of discussion at the Work Session on field testing. Mayor Fretti stated that Councilman Wright had asked about maintenance and it would have to be tested once a year. If it is found to be faulty there would need to be additional maintenance. Larry Hanson stated that most of them have 10-20 years that they do not need maintenance but have annual testing and if the testing shows maintenance is needed then they will have maintenance performed. Councilman Wright stated that he was concerned about the field testing. Larry Hanson stated that a licensed plumber would perform the testing. Henry Hicks stated that the plumber would have to be certified as a backflow tester. They will have a list of the certified plumbers in this area. Councilman Head inquired about the implementation. Henry Hicks stated that it would be fully implemented within three to five years. They will focus on the high and medium risk first and then the residential. They will provide flyers to go out with the water bills and they will meet with the commercial and industrial customers to discuss their responsibilities. Larry Hanson stated that they would also use business license renewal as an opportunity to distribute the information.

Councilman Carroll left the meeting at 7:43 p.m.

Consideration of a request to provide approved SPLOST funding to the Valdosta-Lowndes County Airport and to approve a loan to construct airplane hangars.

Mayor Fretti stated that the Airport Authority has a need for new T-hangars and corporate hangars and they have sent it out for bid. The bids came in at approximately \$2.2 million for construction. The funding is a concern and the financing would have been 15 years for the loan term at an interest rate of 6.85%. As stewards of the tax payers' money, they worked on getting the term shorter and the interest rate lower which they have done. The first SPLOST appropriation will be given from the City and it is on the County's agenda as well. When construction begins both the City and the County would provide \$450,000 each and when it is complete there would be another SPLOST allocation of \$450,000. The remaining \$460,000 would be a promissory note given by the City of Valdosta to the Airport Authority with term length of seven years. The City Attorney will complete the promissory note. Larry Hanson stated that the \$460,000 loan will be for seven years at 5% but suggested that the motion state that the loan would be up to \$500,000 for a period not to exceed eight years at a rate of 5% because they are still working through some last minute negotiations and payment of fees. This is an additional \$40,000 per year but their plan is go with a seven year term.

Joe Prater, Chairman of the Airport Authority, stated that they appreciated the opportunity to take advantage of those funds and make this happen. It will save a tremendous amount of money. Mr. Prater stated that the County is still working on their funding. Larry Hanson stated that Chairman Prater has been working with the County to match or provide the funding in such a way that it is sufficient to pay as needed and this will be on the County's Agenda next week. Chairman Prater stated that the savings to the tax payers will be approximately \$400,000 in interest and fees versus what it would have been.

**A MOTION** by Councilman Vickers, seconded by Councilman Yost, was unanimously adopted (6-0) to approve SPLOST funding in the amount of \$450,000 at the beginning of construction and \$450,000 needed prior to the end and authorize the City Attorney to prepare a promissory note and agreement to loan the Airport Authority up to \$500,000 for a period not to exceed eight years at a rate of 5%.

## **BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES**

Consideration of appointments to the Animal Control Board of Lowndes County.

Larry Hanson, City Manager, stated that Lowndes County has requested that the City recommend two names to the County for the Animal Control Board of Lowndes County. Davind Burks, a Police Officer with the City of Valdosta, and Thomas Henry "Tad" Moseley, III, Veterinarian with the Animal Health Center of Valdosta, LLC, submitted applications for consideration.

Mayor Fretti asked for nominations for the Animal Control Board. Councilman Vickers placed in consideration the names of Davind Burks and Thomas Henry "Tad" Moseley, III. There being no other nominations, Mayor Fretti closed nominations. Davind Burks and Thomas Henry "Tad" Moseley, III will be recommended to the County to serve a term of three years on the Animal Control Board of Lowndes County.

Consideration of appointments to the Central Valdosta Development Authority (CVDA)/Downtown Development Authority (DDA).

Larry Hanson, City Manager, stated that the Central Valdosta Development Authority (CVDA)/Downtown Development Authority (DDA) has three members, Sue Cox, Gene Seago, and Wanda Hunter, whose terms will expire December 31, 2009. The following citizens submitted applications for consideration in no order of preference: (1) Sue Cox, Owner of Covington's, (2) Wanda Hunter – Teacher with the Valdosta City School System, (3) Rodney Flucas – Self Employed, Asset Management, (4) Donna McGill-Malmstrom – Manager/Chef with Suite Spot Eatery, (5) Gene Seago – Real Estate Broker with Heritage Realty of Valdosta, Inc., and (6) Deanna W. Smith – Assistant Vice President with Bank of America.

Mayor Fretti asked for nominations for Position #1. Councilman Eunice placed in consideration the name of Sue Cox. Councilman Head nominated Rodney Flucas. There being no other nominations, Mayor Fretti closed nominations. Rodney Flucas received four votes and Sue Cox received two votes. Rodney Flucas was appointed to serve a term of two years on the Central Valdosta Development Authority (CVDA)/Downtown Development Authority (DDA).

Mayor Fretti asked for nominations for Position #2. Councilman Eunice placed in consideration the name of Sue Cox. There being no other nominations, Mayor Fretti closed nominations. Sue Cox was appointed by acclamation to serve a term of two years on the Central Valdosta Development Authority (CVDA)/Downtown Development Authority (DDA).

Mayor Fretti asked for nominations for Position #3. Councilman Vickers placed in consideration the name of Wanda Hunter. Councilman Yost placed in consideration the name of Gene Seago. There being no other nominations, Mayor Fretti closed nominations. Gene Seago received one vote and Wanda Hunter received five votes. Wanda Hunter was appointed to serve a term of two years on the Central Valdosta Development Authority (CVDA)/Downtown Development Authority (DDA).

Consideration of an appointment to the Valdosta-Lowndes County Conference Center & Tourism Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Conference Center & Tourism Authority had one member, Rick Williams, whose term will expire December 31, 2009. This particular slot was for a representative of the hospitality and tourism industry. Rick Williams had expressed an interest in serving again and his application was the only received for this slot.

Mayor Fretti asked for nominations. Councilman Eunice placed in consideration the name of Rick Williams. There being no other nominations, Mayor Fretti closed nominations. Rick Williams was appointed by acclamation to serve a term of three years on the Valdosta-Lowndes County Conference Center & Tourism Authority.

### **CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that the City Departments will assist the Salvation Army this year in being Bell Ringers on Friday, December 11, 2009 at Winn Dixie. Council is invited to participate in this event.

The Make-A-Difference Day was successful and they removed 22 tons which is over 45,000 pounds of debris, 6 appliances, 130 tires with rims on, and 58 tires with rims off.

There will be an Electronics Recycling Event on Saturday, November 7, 2009 at Mathis Auditorium from 9:00 a.m. to 1:00 p.m. which has been a successful event. Since 2006, this event has prevented 50 televisions, 543 computer monitors, 446 PCs, and 167 pounds of electronic debris from going into the landfill which is over 83 tons of electronic debris.

The City will hold its annual Employee Thanksgiving Luncheon on Thursday, November 12, 2009 from 11:30 a.m. to 1:30 p.m. at the James H. Rainwater Conference Center. Council is invited to attend.

The City Engineer has provided the Mayor and Council with an update on current construction projects via email. The Engineering Department has also made a selection on a project management system which will be implemented in December.

Councilman Vickers stated that he will be participating as a Bell Ringer for the Salvation Army on December 11<sup>th</sup>. Also, he read the construction report on his email this afternoon.

Councilman Yost thanked his family and constituents for their support in re-electing him to serve another four-year term.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (6-0) to adjourn the November 5, 2009 meeting of the Valdosta City Council at 8:00 p.m. to meet again in regular session on Thursday, November 19, 2009.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta