

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, DECEMBER 11, 2008
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Willie Head, Jr., John Eunice, and James Wright. Councilman Robert Yost was absent. The invocation was given by Rev. K. J. Murphy, of Mid-Way Baptist Church in Ocilla, Georgia, followed by the Pledge of Allegiance which was led by Boy Scout Troop 454 from Trinity Presbyterian Church.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE DECEMBER, 2008 EMPLOYEE OF THE MONTH AWARD

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

A **MOTION** by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve the December, 2008 Employee of the Month Award.

Mayor Fretti presented the December, 2008 Employee of the Month Award to Sandy Cowart, Engineering Department.

Sandy Cowart began her employment with the City of Valdosta in October, 1968 as a Clerk-Stenographer. During her long career with the City, she has held several positions including those of Secretary and Administrative Secretary in the Engineering Department. In July, 1998, she was promoted to Contract Manager which is the position she currently holds. As Contract Manager, Ms. Cowart oversees the bid process for all construction projects working closely with the Construction Coordinator to ensure projects are properly bid and that the Request for Proposals (RFP) meet project needs. This includes publishing legal notices, finalizing contract documents, processing pay requests, and handling the SPLOST allocation for all City projects. In addition to her work on construction projects, she also prepares PFPs for architectural and engineering consultants. Ms. Cowart's 40 years of service puts her in an elite group being one of only three employees having 40 or more years of service with the City. Her work in various departments throughout her career and her knowledge and expertise within the Engineering Department make her a very valuable asset to this division. It has been said that success is not a destination that you ever reach; rather success is measured by the quality of your journey. This is certainly the case with Ms. Cowart who has given many quality years of service to the City of Valdosta and played a major role in its success. For these reasons and many others, the City of Valdosta recognized Sandy Cowart as Employee of the Month.

PRESENTATION OF THE 2008 GREATER VALDOSTA COMMUNITY CHRISTMAS PARADE AWARD WINNERS

Presentation of the 2008 Greater Valdosta Community Christmas Parade Award Winners.

Mayor Fretti stated that the 2008 Greater Valdosta Community Christmas Parade was sponsored by Ossipe Temple #65, the City of Valdosta, Valdosta Daily Times, and Coca Cola. Mayor Fretti and members of Ossipe Temple #65 presented the following Christmas Parade Awards: Third Place – Boy Scout Troop 454, Second Place – Outback Riders, and First Place – Georgia Power. The proceeds raised by Ossipe Temple #65 through parade entry fees were donated to the following charities: Greater Valdosta United Way, The Haven Battered Women's Shelter, Southside Library Boosters, and Shop with a Cop.

PRESENTATION OF THE MUNICIPAL AUDIT FOR FISCAL YEAR 2008

Presentation of the Municipal Audit for Fiscal Year 2008.

Mayor Fretti stated that the Municipal Audit for Fiscal Year 2008 was not ready for presentation and would be presented to Council at the first City Council meeting in January.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to postpone the presentation of the Municipal Audit for Fiscal Year 2008 until the January 8, 2009 City Council meeting.

APPROVAL OF MINUTES

The minutes of the November 20, 2008 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

Phil Beck, Beck's Body Shop, 506 West Magnolia, stated that he was the unofficial spokesman for the wrecker operators who pull for the City of Valdosta wrecker rotation. The City is in the process of renewing the wrecker rotation contract for the City wreckers which has been in effect for five years. The contract specifies that there is a \$75 day time wrecker pull and \$85 night time wrecker pull plus \$10 per day for storage. These fees are antiquated due to the increased costs and inflation that has occurred. When the initial contract was implemented, the wrecker operators were paying \$1.35 per gallon for diesel fuel and it has since gone up to a high of \$4.80 per gallon. It is now approximately \$2.50 per gallon which is almost a 100% increase above what it was five years ago. The wreckers only get six to seven miles to the gallon. The current contract does not include anything for the accessories that they must perform on a daily basis. There are cars that are turned upside down that have to be turned upright, cars in ditches that have to be pulled out, and the City has now expanded all the way to Guest Road and half way to Moody Air Force Base. Wreckers also go out past Perimeter Road toward Lakeland. The City now encompasses all of Inner Perimeter Road which is handled by the Valdosta Police Department and the wreckers are expected to handle the additional territory at the same contracted price. The wrecker operators' costs have skyrocketed along with property taxes and insurance. The average wrecker service now pays over \$3,000 a year just for liability coverage on one vehicle. Another item of concern is that the wrecker operators have been requested to accept credit cards. This is not an acceptable request. Mr. Beck stated that he has had only one request in the last two years to have a wrecker call paid for with a credit card. The biggest problem with a credit card is that it is easier to stop payment on it than it is to stop payment on a check and much more difficult for them to then get it paid. Mr. Beck also checked with First State Bank today and the least expensive credit card machine that they can purchase is between \$550 and \$600. If it is leased, then the cost is \$40 per month, plus a \$10 per month service fee, \$.35 per transaction fee, and 1.5% to 2.0% fee for the credit card charges off of any transaction. This would totally eliminate any increase they wrecker operators would be getting. After speaking with other wrecker operators, there have only been three or four instances this year where they have even had a request to pay with a credit card. Mr. Beck they would like to see the City match the County's contract rate of \$125 per pull and \$25 per day storage and asked Council's consideration in postponing the decision on the wrecker contract until next month in order to meet with the Mayor, Council, and Police Chief Frank Simons.

Lori Cates, Cates Wrecker, 3026 Highway 41 South, stated that they average one call per week on the wrecker rotation. Ms. Cates also called about a wireless credit card machine and it was \$105 per month which does not include any credit card fees. Ms. Cates stated she pays her drivers 30% of what they make and they are not making much off of the City rotation. The majority of their revenue comes from other sources. There are 20 wreckers on the rotation and it goes around once a week so it is not feasible.

PUBLIC HEARINGS

Mayor Fretti stated that Agenda Items 5(a), 5(b), and 5(c) were related and they would hear 5(a) and 5(b) with no vote and hear 5(c) and have a vote on all three agenda items.

POLICIES AND PROCEDURES GOVERNING THE CALLING AND CONDUCTING OF ZONING PUBLIC HEARING TO BE ADOPTED AS PART OF THE LAND DEVELOPMENT REGULATIONS (LDR)

12/11/08 CONTINUED

Consideration of the Policies and Procedures Governing the Calling and Conducting of Zoning Public Hearings to be adopted as part of the Land Development Regulations (LDR).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that it is a requirement of the State that a separate Public Hearing on the Policies and Procedures Governing the Calling and Conducting of Zoning Public Hearings to be adopted as part of the Land Development Regulations (LDR). This addresses the procedures for Public Hearings at the Planning Commission and City Council Meetings. At the Work Session, concern was expressed that about Items 1(d) and 2(d) that allowed an applicant or proponent to reserve time for rebuttal and summary comments to be made following presentation of those opposed to the petition. That statement has been removed from both the Planning Commission and City Council Public Hearing procedures which was an oversight.

No one spoke in favor of the request.

No one spoke in opposition to the request.

Mayor Fretti closed out the Public Hearing portion of this request and reserved the vote for Agenda Item 5(c).

STANDARDS FOR EXERCISE OF ZONING POWER AND STANDARDS FOR REVIEW OF COMPREHENSIVE PLAN AMENDMENTS TO BE ADOPTED AS PART OF THE LAND DEVELOPMENT REGULATIONS (LDR)

Consideration of the Standards for Exercise of Zoning Power and Standards for Review of Comprehensive Plan Amendments to be adopted as part of the Land Development Regulations (LDR).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the major changes in these Standards versus what is in the current Zoning Ordinance is that they were expanded and clarified so that they will serve as a better guide for zoning decisions made by Council. The Standards for the Review of Comprehensive Plan Amendments is a new component of the LDR since these have never been considered. These Standards are written in a language that will give guidance to the Council, Planning Commission, and the citizens.

No one spoke in favor of the request.

No one spoke in opposition to the request.

Mayor Fretti closed out the Public Hearing portion of this request and reserved the vote for Agenda Item 5(c).

ORDINANCE NO. 2008-47, AN ORDINANCE FOR ADOPTION OF THE LAND DEVELOPMENT REGULATIONS INCLUDING THE OFFICIAL ZONING ORDINANCE AND THE OFFICIAL ZONING MAP

Consideration of an Ordinance for adoption of the Land Development Regulations including the Official Zoning Ordinance and the Official Zoning Map (Second Reading). Mayor/Council postponed the First Reading of the Ordinance at the October 9, 2008 regular meeting until the last Council meeting in November and the Second Reading to occur the first Council meeting in December.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that this has been a lengthy project and thanked Staff for their assistance. The project was first initiated in June, 2007 and there have been many steering committee meetings, focus groups, workshops, and public meetings led by the Consultants from Jordan, Jones &

Goulding (JJ&G). The LDR has been posted on the project website (www.jjg.com/valdostaldr) since September 11, 2008. The Planning Commission unanimously recommended approval of the LDR and since that time there has been a First Reading of the Ordinance. There have been several changes to the Ordinance in order to address specific concerns from several different groups. This Ordinance will include the adoption of the Zoning Map which includes the Historic District with a few properties on Williams Street that are in the National Registry District to ensure that they are protected by the local guidelines. This also includes the Overlay District of Inner Perimeter Road and Baytree Road, and the new Residential Parking District that will help protect the established neighborhoods from inappropriate parking of vehicles. There have been some changes in the Zoning Districts and some of those that no longer served a purpose were deleted and some new Districts that will help the City to promote progressive growth and cutting edge development were incorporated. The Land Use Table has also been revised which will increase the consistency with the Business License process. There are many supplemental standards that will give guidance to those uses that will have a possible impact on adjacent properties. In the Historic District, the boundaries will stay the same and there will be more flexible guidelines. The Historic Preservation Planner will now have administrative approval privileges which will help the property owners to make improvements and repairs to their homes in a timely manner. There are also three new sub-areas which will help to tailor the regulations to the specific character of the Historic District. The Residential Parking Overlay will address the number of vehicles parked on a residential lot. These areas were selected based on their proximity to Valdosta State University. The size of area where vehicles are parked will be limited as well as the material used to park on. The Overlay Districts will help improve the gateways into the community. Also, the urban commercial corridor will be applied to the major commercial corridors and will protect the corridors from new development. It will also help to improve the corridors as redevelopment occurs. The Overlay Districts will help with traffic circulation, lighting of properties, landscaping, and signage. Any rezoning requests coming before Council in the future will be consistent with the Comprehensive Plan and will ensure that decisions are consistent with the goals and policies adopted. If a rezoning is not consistent with the Comprehensive Plan there is an amendment process that will occur; however, that will be limited to twice a year. If the Comprehensive Plan is revised more than that then it really does not serve as a long range guide to growth and development. For underground utilities, they have removed the specific requirement in Overlay Districts but there is a general requirement for underground utilities to support the redevelopment in some areas and also protect the aesthetics of the corridors. There are technical and economical hardship provisions that were included which will allow Staff the opportunity to work with a utility company when it is obvious that it would be an extremely large amount of funds in order to use underground utilities. This will happen most often when there is only one person that the utilities are being extended to. The development review process now includes administrative variance privileges which will help with addressing smaller variances that do not need to go through a 45-60 day waiting. There will be all new applications which will be posted on the City's website and easy to read flow charts for project review. There will also be a Development Handbook in the future. Anne-Marie Wolff stated that there will be changes to the LDR which will be made on a quarterly basis unless it is something that is time-sensitive. The LDR will go into effect January 1, 2009. Anne-Marie Wolff asked Council's consideration on approving the request. Councilman Head inquired as to whether Valdosta State University was aware of the parking restrictions and who would be responsible for enforcement. Anne-Marie Wolff stated that there have been meetings with Valdosta State University officials and the enforcement would be the responsibility of the Community Protection Division. The City Marshals usually issue a warning for the first offense. Larry Hanson, City Manager, stated that the Association for Rental Property Managers will also be notified.

No one spoke in favor of the request.

No one spoke in opposition to the request.

Mayor Fretti closed out the Public Hearing portion for Agenda Item 5(c).

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2008-47, to approve Agenda Items 5(a) through 5(c) as recommended by the Planning and Zoning Administrator, the complete text of which will be found in Ordinance Book XI.

Consideration of an ordinance to rezone approximately 18 acres from Single-Family Residential (R-10) to Highway-Commercial (C-H) as requested by John E. Johnson (File No. VA-2008-33). The property is located on the east side of Jaycee Shack Road, just north of East Park Avenue. The Planning Commission reviewed this at their regular September meeting and recommended denial (6-1 vote). Mayor/Council postponed the request at the October 9, 2008 regular meeting until the November 6, 2008 regular meeting. The applicant has requested one additional month postponement until the December 11, 2008 regular meeting.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the request was originally brought before Mayor and Council in October. The total property is 21 acres and the applicant is requesting to rezone 18 acres from Single-Family Residential (R-10) to Highway-Commercial (C-H). The remaining three acres are already zoned C-H and are located on the southern portion of the property. The uses are speculative but the applicant has mentioned a mini-storage, warehouses, recreation center, and a possible business park; however, he would like for there to be outside storage which is why he requested C-H zoning. The property is undeveloped and is part of the Bray land recently auctioned. The surrounding properties include residential property located across the railroad tracks on the west side of Jaycee Shack Road, the J. L. Newbern Middle School on East Park Avenue, and some C-H zoning at the intersection of Jaycee Shack Road and East Park Avenue. The applicant did not have a site plan due to the speculative use of the property; however, he did have the property surveyed. The Future Development depicts the area as a Park, Recreation, and Conservation Character Area because the property is located within the 100-year flood plain. Prior to that designation, the property was depicted as a Community Activity Center which is for uses that would meet the number of neighborhoods to the west and institutional uses to the east. They anticipate the Bray land property to the southeast will probably be a mixture of commercial and residential development. While there is some existing C-H zoning in the area, Staff felt that this precedent should not be extended along the remaining areas of Jaycee Shack Road. Staff also sees this area to develop as a Community Activity Center and C-H zoning would not be appropriate for those future plans. For those reasons and the environmental concerns that are on the property, Staff recommended denial. The Planning Commission considered this request at their September meeting and also recommended denial due to the intensity of the C-H zoning for the area, inconsistency with the Comprehensive Plan, and it could allow uses inappropriate to the character of the area. Anne-Marie Wolff stated that she has met with the applicant since the postponement of the request and no agreement was reached about the zoning. The applicant would still like to pursue the C-H zoning in order to have a business similar to those off of North Valdosta Road.

Cindy Knight, 2311 Sterling Place, spoke in favor of the request. Ms. Knight stated that she has lived on Sterling Place for 16 years and she had previously tried to purchase property in that area for the same purpose as Mr. Johnson. Other commercial businesses are located down the street and Jaycee Shack Road is not a problem for those businesses. She felt that she would run into problems with the 100-year flood plain. The residential neighborhoods should not be a problem and the business should be allowed.

John E. Johnson, 2103 Jerry Jones Drive, spoke in favor of the request. Mr. Johnson stated that he was the owner of the property and C-H zoning runs from Northside Drive to the edge of his property and goes all the way to Park Avenue. The C-H zoning would accommodate some outside storage. The Community-Commercial (C-C) zoning is similar except for the outside storage. Mr. Johnson stated that he would be agreeable to C-C zoning if he could have some outside storage and hide it in some manner so that it would not be visible. If C-H is not approved he would go with C-C, but the zoning for this property does need to be changed from R-10. Councilman Eunice inquired as to whether Mr. Johnson was still planning to have recreational uses for the property. Mr. Johnson stated that he was going to put a Putt-Putt golf course there but there is now a Putt-Putt golf course going up on Perimeter Road and Valdosta could not warrant two Putt-Putt golf courses at this time. Mayor Fretti inquired as to whether Mr. Johnson would want the entire area to be C-C zoning. Mr. Johnson stated that he would want C-C zoning to the wetlands which would be a good buffer for the back side of the property. Councilman Eunice inquired as to when Mr. Johnson would move forward with development of the property. Mr. Johnson stated that he would like to have an architect start designing some of the projects after the first of the year. There is not a lot of traffic on Jaycee Shack Road and the road is ideal for what he would like to do with the property. There is an electrical company and landscaping business that is zoned C-H and they do not have a lot of traffic in and out and they all

have outside storage. Mayor Fretti stated that if the property was subdivided and sold and someone wanted outside storage then they could come before Council requesting a Special Exception for the outside storage. Anne-Marie Wolff stated that the way the Ordinance is currently written the type of uses that would have outside storage are only permitted in Highway-Commercial. Councilman Carroll inquired as to whether MXD zoning had been discussed and whether it allows for outside storage. Anne-Marie Wolff stated that they had not discussed the new MXD zoning district and she was not certain about whether that zoning allowed for outside storage. Mayor Fretti stated that if outside storage is allowed in MXD then the applicant could withdraw the request and then bring it back before Council. Councilman Wright stated that he was concerned about the speculative use of the property and inquired as to whether the applicant could change the zoning from C-H to C-C. Larry Hanson, City Manager, stated that the applicant could downzone because C-C is a less intensive zoning. Councilman Wright inquired as to whether the storage could be on the inside instead of outside. Mr. Johnson stated that he would put up a fence for the outside storage so it could not be seen; however, the best thing for him would be to proceed with the C-C zoning. Councilman Wright inquired as to whether Mr. Johnson knew what type of building would be placed on the property. Mr. Johnson stated there was a drywall business looking at the property and they would need outside storage for metal studs and shingles.

No one spoke in opposition to the request.

A MOTION was made by Councilman Wright to follow the recommendation of the Planning Commission and deny the request to rezone approximately 18 acres from Single-Family Residential (R-10) to Highway-Commercial (C-H) as requested by John E. Johnson. Councilman Payton seconded the motion. Councilman Vickers stated that he did not think C-H zoning was appropriate but would like to accommodate the applicant on what he wants to do with the property. Councilman Head inquired as to what the MXD zoning would allow. Anne-Marie Wolff stated that she did not have the information available. Councilman Head stated that he was not in favor of C-H but if the request was denied then the applicant could not come back before Council for one year. Anne-Marie Wolff stated that in the new LDR the State only requires that the applicant wait six months before a request can be heard again. It is the local requirement for it to be one year. In the LDR, a provision was added stating that if it was brought forward to the Council then they could vote as a body to allow someone to come back sooner than one year. If the request was denied, the applicant would have to wait six months but he could possibly come back sooner than one year. If the request was withdrawn, then they could look at coming up with some parameters. If Council felt that, across the board, the use that the applicant was describing was appropriate for C-C zoning anywhere in the City then they could address that in the LDR. Councilman Wright stated that he spoke with the applicant and Anne-Marie Wolff prior to the Council meeting and inquired as to whether they could work something out for this area. If the applicant would like to withdraw the request and try to work something out then he did not have a problem with that; however, they are currently looking at the recommendations. Councilman Eunice inquired as to whether this could still happen. Mayor Fretti stated that the motion would have to be voted down and then that could happen. Councilman Wright inquired as to whether he could withdraw his motion. Mayor Fretti stated that with a second they should proceed with voting it up or down. If it were voted down then it would be open again for action and could be withdrawn. Councilman Head stated that Council may need to determine whether the applicant would like to go that route or see the request through. The motion failed (2-4) with Councilman Vickers, Councilman Carroll, Councilman Head, and Councilman Eunice voting in opposition.

Councilman Eunice stated that he was not in favor of rezoning the property to C-H and inquired as to whether Mr. Johnson would like to withdraw the request in order to review some of the new zoning districts that would go into effect in January, 2009. Mr. Johnson stated that he would like to withdraw the request.

ORDINANCE NO. 2008-48, AN ORDINANCE FOR A SPECIAL EXCEPTION FOR A DOCUMENT ARCHIVE AND RETRIEVAL BUSINESS

Consideration of an ordinance for a Special Exception for a document archive and retrieval business as requested by Ed Lund (File No. VA-2008-35). The property is located at 808 North Patterson Street. The Planning Commission reviewed this at their regular November meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception in a Community-Commercial zoning district to allow a document archive and retrieval business. The property has been vacant for many years and adjacent properties include The Crescent, the former Lowndes County Board of Elections Office, and a tire business. The building would be renovated to include interior units for clients to store such items as legal and medical documents. The applicant would also include a copying and courier service for clients, which would make copies of requested documents with the option of delivering them to the clients. This usage seems to best fit under the warehousing category in the Zoning Ordinance and a Special exception must be granted to allow the use in the Community-Commercial (C-C) district. The general character of the area is a mixture of institutional, office, and scattered commercial uses with some housing interspersed in the area. The property is located in a Neighborhood Activity Center Character Area, which serves as a neighborhood focal point with a concentration of activities such as general retail, service commercial, professional office, higher-density housing, and appropriate public and open space uses easily accessible by pedestrians and bicycles. The property is located within the Valdosta Local Historical District and any exterior renovations to the property must receive a Certificate of Appropriateness from the Historic Preservation Commission. The site plan depicts the interior renovations to create individual, climate controlled, secure document storage units. Parking is depicted on the site plan; however this will need to be approved by the Engineering Department. The main part of the building will be used for actual storage of documents and the back portion will be used to bring the documents in to be scanned prior to storage in individual units. Staff found the proposed use appropriate for a Neighborhood Activity Center Character Area and the Comprehensive Plan and recommended approval of a document storage facility with the condition that no furniture or non-document items be stored in the facility. The Planning Commission reviewed this request at their November 24, 2008 regular meeting and recommended approval (8-0) of a Special Exception for document storage facility with the condition that no furniture or non-document items be stored in the facility; however, following the Planning Commission meeting, the applicant expressed concerns to Staff regarding the condition that "no non-document items be stored in the facility." The applicant has expressed the possibility of businesses storing high value items such as art work, wine, or other commodities in the insured space they rent for document storage; however, document storage would remain the primary use of the facility and non-document storage would only occur as an accessory use of the individual tenant. The applicant has submitted an addendum to his application providing additional information regarding the intensity of his business. Staff recommended replacing the original condition that "no non-document items be stored in the facility" with a condition that the submitted Addendum will be followed.

Ed Lund, 4815 Mt. Zion Road, spoke in favor of the request. Mr. Lund stated that the Addendum clarifies what would be placed in the facility. It would be 85-90% document storage and courier service and is ideal for law firms, government, and medical businesses located in the area. The courier service will have one van to move the documents and there will be no more than two vans at any one time. There will be a dock area for loading and unloading of documents which will go straight from the van into the facility. There will be an in-house office located in the building for use by a customer copying, faxing, and on-line service. If a customer wanted them to pull the documents they would do so using a bar code system and then be able to email it to the customer. The facility will be climate controlled, bonded, and insured along with the items located there. Councilman Head inquired as to whether there would be any document shredding or burning of documents at the facility. Mr. Lund stated that there were no future plans for an incinerator and no massive shredding would be performed within the facility. Business hours would be from 8:00 a.m. until 6:00 p.m. Mayor Fretti inquired as to whether there would be any renovations to the building and if the overhang located in the front of the building would be needed. Mr. Lund stated that he was purchasing the building and it would be totally refurbished inside and the outside would be painted and repaired. Mayor Fretti stated that overhang is over the City's right-of-way which makes it difficult for any landscaping by the City. Mr. Lund stated that he had no plans to remove the overhang due to the expense but would give it some consideration.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2008-48, for a Special Exception with the Addendum for a document archive and retrieval business as requested by Ed Lund, the complete text of which will be found in Ordinance Book XI.

Consideration of an ordinance to rezone 10 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) as requested by Jimmy Bennett (File No. VA-2008-36). The property is located at the northeast corner of the intersection of Hickory Road and Harmon Drive. The Planning Commission reviewed this at their regular November meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 10 acres from R-10 (Single-Family Residential) to R-6 (Multi-family Residential) in order to accommodate a multi-family development. The property consists of three parcels which are former islands annexed in 2005 and it currently contains two site built houses. There are 32 residentially zoned properties in the area and the applicant owns 19 of them which represents 59% of the properties in the area. The general character of the area is established Single-Family Residential with significant retail development to the west. The property is located in an Established Residential Character Area on the Future Development Map, which is typically an older neighborhood having relatively well-maintained housing, possessing a distinct identity through architectural styles, lot and street design, and having higher rates of home-ownership. These areas are typically located closer to the core of the community and may be located next to areas facing intense development pressures. A Regional Activity Center Character Area is to the northwest of the property. The development would require buffering along the western, eastern, and southern lot lines due to the abutting Single-Family development. The site plan depicts approximately 120 Multi-Family units with approximately 280 parking spaces with access off of both Harmon Drive and Hickory Road which would occur in phases. Staff has made the applicant aware of the conditions of Harmon Drive and Hickory Road and those would need to be improved. The applicant would also need to extend water service to the property. Staff felt the land use is appropriate for the area but had some concerns regarding the existing roadways, which were originally constructed for Single-Family use; however, given the proximity to the Regional Activity Center, the need for an additional Multi-Family development in the community and the fact that the property owner owns 59% of the property in the area, Staff felt the request was consistent with the goals and policies of the Comprehensive Plan. Staff did note that the Character Area was an established Residential Character Area which would need to be transitioned since this would be the first Multi-Family development in a Single-Family area. Staff found the request consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their November 24, 2008 regular meeting and recommended approval (8-0) of rezoning to R-6. Councilman Carroll inquired about the sidewalks and streets in the development. Anne-Marie Wolff stated that there are requirements in the Ordinance for sidewalks and when the applicant extends the water to the property it will come directly from St. Augustine Road and would be a good opportunity for the road standards to be improved. Councilman Carroll inquired about a walkway connecting to Lynn Terrace. Anne-Marie Wolff stated that she had not discussed that with the applicant.

Bill Kent, ASA Engineering & Surveying, 105 West Central Avenue, spoke in favor of the request. Mr. Kent stated that he represented Mr. Bennett. They have met with Georgia Power on site and they support the request. Mr. Kent stated that they had not discussed the wooden foot bridge but would consider it. Mr. Kent asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (6-0) to follow the recommendation of Staff and the Planning Commission and enact Ordinance No. 2008-49, to rezone 10 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) as requested by Jimmy Bennett, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2008-50, AN ORDINANCE FOR A SPECIAL EXCEPTION TO PERMIT A STORAGE USE FOR WATER JUGS AND CUPS

Consideration of an ordinance for a Special Exception to permit a storage use for water jugs and cups as requested by Darrell Branam (File No. VA-2008-37). The property is located at 406 South Troop Street. The Planning Commission reviewed this at their regular November meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception to permit a storage use. The applicant operates a water delivery business and wishes to utilize the building to store jugs of water and cups. The property, which is currently zoned Community-Commercial (C-C), has an existing vacant building that has fallen into quite a bit of disrepair. The general character of the area is a mixture of light manufacturing, Single-Family Residential, and scattered retail development. There are several underused or vacant properties in the area. The property is located in an Established Residential Character Area. Given that the use will not adversely affect the adjacent properties, that Council may stipulate further conditions to assure the cohesiveness of the building with the adjacent properties, and that businesses are currently intermingled with existing residences, Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their November 24, 2008 regular meeting and recommended approval (8-0) of a Special Exception for water jug storage.

Darrell Branam, 4 Gary Circle, spoke in favor of the request. Mr. Branam asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the request and enact Ordinance No. 2008-50, for a Special Exception to permit a storage use for water jugs and cups as requested by Darrell Branam, the complete text of which will be found in Ordinance Book XI.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2008-51, AN ORDINANCE AMENDING CODE SECTION 11-2002, MAXIMUM HEIGHT OF WEEDS AND GRASS

Consideration of an Ordinance amending Code Section 11-2002, Maximum Height of Weeds and Grass.

George Talley, City Attorney, stated that this Ordinance combines three Ordinances into one to resolve a conflict. It requires a height of more than eight inches, would give notice to the property owner by Certified Mail-Return Receipt and to the person in possession by Registered Mail, and the property will be posted. If no proper action is taken after 15 days, they will proceed with the abatement of the property. The first penalty will be \$150, the second will be \$300, and thereafter it will be \$500 a piece.

A MOTION by Councilman Wright, seconded by Councilman Payton, was unanimously adopted (5-0) to approve the amendments and enact Ordinance No. 2008-51, an Ordinance amending Code Section 11-2002, Maximum Height of Weeds and Grass, the complete text of which will be found in Ordinance Book XI. Councilman Head was absent for the vote.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for an equipment shelter for the Engineering Department.

Von Shipman, City Engineer, stated that the Florida Avenue Building off Toombs Street has been used by the Street Maintenance Division of the Engineering Department since 1997. Additional equipment has been obtained over the years to perform pavement and sidewalk repair. This has necessitated the need to create an attached shelter to the building. Bids were received on November 4, 2008 and MNG Construction was the only company who submitted a bid in the amount of \$31,900. Von Shipman recommended that Council approve the bid submitted by MNG Construction in the amount of \$31,900 plus a 5% contingency to handle any unforeseen circumstances.

A MOTION by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the bid submitted by MNG Construction in the amount of \$31,900 plus a 5% contingency to handle any unforeseen circumstances for an equipment shelter for the Engineering Department.

Consideration of bids for a roundabout at the intersection of Country Club Road and Country Club Drive.

Von Shipman, City Engineer, stated that the concept to install a roundabout at the intersection of Country Club Road and Country Club Drive was conceived during The Garden development driveway access debate. It will replace an existing 3-way stop condition. The roundabout will have a 30-foot diameter island and the center will have a 15-foot diameter planted area. A stamped concrete area between the planted area and pavement will be available for trucks to drive over as the need arises. The Country Club Manager has indicated they would care for the tree and azalea plants to be installed by the City. The City will work with the Country Club to plant trees along the right-of-way line to create an aesthetically pleasing and safe barrier. The Engineering Department prepared the plans and bids were received on November 25, 2008 with the low bid was submitted by Reames and Son Construction submitted in the amount of \$45,065.25. The Engineering estimate was \$61,083.75. Von Shipman recommended that Council approve the low bid was submitted by Reames and Son Construction submitted in the amount of \$45,065.25 plus a 10% contingency. Councilman Carroll inquired as to whether the motion needed to include a statement indicating that Valdosta Country Club would be responsible for maintaining the island. George Talley, City Attorney, stated that the City could have a separate agreement with the Country Club but that is their property and they have committed to maintain the island. Larry Hanson, City Manager, stated that it would be appropriate to have an Adopt-A-Spot Agreement with the Country Club. Councilman Head inquired as to whether there were any other projects that should have gone ahead of this one. Von Shipman stated that during the discussions with The Garden development there were meetings with the neighborhood about placing a roundabout and the City committed to having the project completed by the end of the year.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the low bid submitted by Reames and Son Construction submitted in the amount of \$45,065.25 plus a 10% contingency to handle any unforeseen circumstances for a roundabout at the intersection of Country Club Road and Country Club Drive.

Consideration of a Fire Protection Agreement for Martin's Famous Pastry Shoppe.

Mayor Fretti stated that the City Manager and City Attorney have asked that this request be postponed until the January 8, 2009 regular meeting. George Talley, City Attorney, stated that the County approved a version of the Agreement at their last Commission meeting but the City does not agree with that version. Larry Hanson, City Manager, stated that several months ago the City was asked by Lowndes County to draft an Agreement for the City to provide fire protection at the request of Martin's Famous Pastry Shoppe. The City drafted a four party Agreement for the Industrial Authority, the City, the County, and Martin's Famous Pastry Shoppe. The Agreement was sent out a week out prior to bringing it to Council to act on it. George Talley asked for any concerns or changes and heard nothing so the Council adopted the four party Agreement almost two months ago. Several weeks ago the City heard from the County saying they did not want to be part of a four party Agreement and wanted a two party Agreement between the City and the County and the City could have a three party Agreement with the City, Martin's, and the Industrial Authority. An Agreement was drafted and sent over last Friday and it was on the Council Agenda to be approved; however, the County amended their own Agreement and it was not received until Tuesday afternoon. The City was concerned with the changes the County made and the other parties have all said there should be a four party Agreement. The Industrial Authority is the owner of the property, Martin's is the owner of the facility and requesting the City to provide fire service, the City is being asked to provide extraterritorial fire service outside of our jurisdiction, and Lowndes County must approve it to allow it to happen. It would seem that the logical approach would be to have a four party Agreement because all four are involved.

A MOTION by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (6-0) to postpone the Fire Protection Agreement for Martin's Famous Pastry Shoppe, Inc. until the first Council meeting in January, 2009.

Consideration of a non-exclusive wrecker service contract to provide wrecker service within the City Limits.

Larry Hanson, City Manager, stated that the City developed a wrecker contract many years ago for rotation wrecker services for calls from the City on accidents or other needs for a wrecker. There were three changes to the wrecker contract which is an annual agreement and can be renewed if there are no changes. This contract is not a mandatory participation agreement and is a voluntary agreement so anyone can choose to be on the rotation. The proposed changes are as follows: (1) increase the fee for day time pulls from \$75 to \$85, (2) increase the evening pulls from 6:00 p.m. to 8:00 a.m. from \$85 to \$95, (3) require access to vehicles when they are stored for someone to remove something in the vehicle and but it includes a fee which shall not exceed \$45 if the business is not open and not staffed, and (4) the wrecker service would accept at least two credit cards for consumers. Mayor Fretti stated that there have been some additional requests from the wrecker services for off road winching and they also expressed concerns about the credit card situation. Mayor Fretti stated that he would like to meet with the wrecker companies along with Council members within the next 45 days to review the contract.

A **MOTION** was made by Councilman Eunice to postpone the non-exclusive wrecker service contract to provide wrecker service within the City Limits until the first Council meeting in February, 2009 in order to give Staff and Council members an opportunity to meet with members of the wrecker service community. Councilman Head seconded the motion. Councilman Payton inquired as to who would set up the meeting. Larry Hanson stated that Police Chief Frank Simons or Capt. Waters would set up the meeting at an appropriate location. Councilman Head inquired as to whether there was a Wrecker Association. Phil Beck, Beck's Body Shop, stated that there was not an organized Wrecker Association. The motion was unanimously adopted (6-0).

LOCAL FUNDING AND REQUESTS

Consideration of a request for the City of Valdosta to donate its one-half undivided interest in the former Elections Building and property to the Valdosta-Lowndes County Industrial Authority.

Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority, stated approximately one year ago, the Industrial Authority was approached by Mayor Fretti about considering the former Board of Elections Office for the Industrial Authority Office. The more they looked at it the more they liked it because it is an excellent Brownfield redevelopment project for the Patterson Street corridor, they would be closer to the City Departments that they work closely with, and they want to support Downtown Valdosta. A letter was sent to Larry Hanson on May 8, 2008 to ask permission to embark on a course of due diligence and he graciously obliged. The first call the Industrial Authority made in May was to the Downtown Development Authority inquiring as to whether they could participate in the 2% Downtown Development Revolving Loan Fund (DDRLF). At that time, the geographic district extended to Magnolia Street on the north and the property is located on Gordon Street which extends beyond that geographic district. Larry Hanson stated that the Central Valdosta Development Authority has a legal district but the Downtown Development Authority has a broader district. The Industrial Authority also contacted Emily Foster, former Planner with the South Georgia Regional Development Center, and inquired as to whether they would need to file for historic permits. Ms. Foster stated that they would not need to file due to the Industrial Authority being a governmental entity. The Industrial Authority did commit to include Ms. Foster in the site planning and architectural review. The Industrial Authority then contacted the City Manager's Office to ask about qualified construction companies who also perform demolition. They went through a Request for Proposal for demolition of the Board of Elections Office. They did not know if it would be financially feasible to have a \$400,000 demolition and there were asbestos issues. Terry Dees was the low bid at \$20,000 and they asked him to have someone perform an asbestos survey which cost \$850. It was the conclusion that there were 5,000 square feet of 12 x 12 ceiling tiles, 5,000 square feet of linoleum, 500 square feet of air condition insulation, and 200 square feet of window glazing that were all deemed to be asbestos. The asbestos mitigation cost based on that survey was an additional \$9,850. The total demolition cost for the Board of Elections Building was \$29,850. At that point it was time to engage some architects so the Industrial Authority sent out a Request for Qualifications to six local architects in the community. Ellis Ricket & Associates and Richard Hill were the two candidates quoting an architectural fee of 6% of the total estimated cost of construction. Larry Hanson, City Manager, and Joe Pritchard, County Manager, were then invited to meet and interview the final two

architects. The decision was unanimous that if the Industrial Authority wanted to develop the property the site would need to be expanded and incorporate the adjacent property in order to increase the setbacks and parking availability and to save the specimen Oak tree in the back of the Board of Elections Office. The Industrial Authority is currently under contract with Roy Copeland which expires December 31, 2008 but there is a provision that the Industrial Authority can walk from the contract with one exception and that is if they do not receive formal permission from the City and County for their share of the deed. Brad Lofton stated that the Industrial Authority then contacted four local engineering and environmental firms for a soil and groundwater test plus a Phase I Environmental Analysis. The Phase I Analysis came back with no problems and the soil testing indicated trace amounts of volatile petroleum constituents. The sample results did not exceed the trigger levels set from by the Georgia Environmental Protection Division and should not be considered a risk. The demolition bid and a new asbestos survey on the Copeland site was \$16,500 in demolition and \$4,800 in asbestos mitigation for a total of \$21,300. Both facilities completely demolished and mitigated would cost approximately \$51,000. The Industrial Authority performed a cost benefit analysis of owning a building and the impact to the taxpayers versus paying \$4,000 per month which they are doing now and they are gaining no equity. The cost of the Copeland facility is \$250,000, assuming a \$50,000 demolition cost of both sites, and the conservation architect estimate of \$125 per square foot for a total construction cost of \$540,000. The total project cost would be \$840,000. Paying rent for the next 20 years would be \$1.1 million and gaining no equity in a building that is not owned by the tax payers. There is a \$300,000 discrepancy over the 20-year period between the Industrial Authority owning a facility versus renting. The Industrial Authority would like to pay for the Copeland facility out of the General Fund and take out a 20-year mortgage on new construction. The Industrial Authority Board voted on November 18, 2008 to proceed with the purchase with the conditions that an asbestos study be completed on the Copeland site and to receive Council's consideration in providing 50% of the deed to the former Elections Building. The County has granted permission for their share of the building. The Industrial Authority did not feel that it was prudent at this time to spend 6% for the cost of architectural services for a site that they do not own. Brad Lofton asked Council's consideration in approving the request to have a three-year performance period whereby if the Industrial Authority has not broken ground within 36 months they will return the deed to the City and the County. Mayor Fretti inquired as to whether an appraisal has been done on the Copeland property. Brad Lofton stated that a formal appraisal has not been done but they did have six or seven residential comps done by Brian Almand. Mayor Fretti stated that he would like for the agreement drafted between the City and the Industrial Authority state that this property will be used by the Industrial Authority only and that it would not be transferred out. Brad Lofton stated that he did not think that would be an issue.

A MOTION was made by Councilman Head to grant the Industrial Authority the 36 months and the City's one-half interest in the former Board of Elections Building, and that Staff work with the Industrial Authority on the content of the agreement for the 36 months as to the particular details. Councilman Payton seconded the motion. Mayor Fretti asked that the motion include that the building be declared surplus before it is given to the Industrial Authority. Councilman Head and Councilman Payton agreed to add that the building would be declared surplus. Mayor Fretti inquired as to whether the contract should include the building to be given to the Industrial Authority for \$1.00. George Talley, City Attorney, stated that he would include that in the agreement. The motion was unanimously adopted (6-0).

Consideration of a request for the City Engineer and Utilities Director to enter into negotiations with Camp Dresser and McKee Inc. for updating the Storm Water Master Plan.

Von Shipman, City Engineer, stated that the original Storm Water Master Plan was approved in 1996 and 16 of the 58 projects have been completed. An updated Storm Water Master Plan study is needed to reflect existing conditions and to create a new priority list of capital improvement projects. The Mayor/Council identified this as a goal in 2007. The existing Storm Water Master Plan does not reflect numerous other improvements that have been completed throughout the City. Both water quantity and quality storm water issues must now be addressed due to requirements placed on local governments by the State of Georgia. New methods of controlling storm water will be utilized to help minimize the negative impact of new development on our waterways. The City advertised for interested consultants to submit their qualifications to perform the work. Nine companies responded and a committee consisting of Councilman Robert Yost, Larry Hanson, City Manager, John Whitehead, Deputy City Manager of Operations, Henry Hicks, Director of Utilities, Emily Davenport, Storm Water Superintendent, and

Von Shipman, City Engineer, reviewed the material and selected Camp Dresser and McKee, Inc. (CDM) and Metcalf-Eddy as the two firms to make formal presentations. The firms made their presentations on December 3, 2008 and the committee unanimously selected CDM. Von Shipman recommended that Council approve the request to authorize the City Engineer and the Utility Director to enter into negotiations with Camp Dresser and McKee Inc. for updating the Storm Water Master Plan.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (6-0) to authorize the City Engineer and the Utility Director to enter into negotiations with Camp Dresser and McKee Inc. for updating the Storm Water Master Plan.

Consideration of a request to apply for grant funds for the Georgia Department of Transportation Safe Routes to School Program.

Von Shipman, City Engineer, stated that the Safe Routes to School (S.R.T.S.) Program was created several years ago to help improve pedestrian/bike facilities for K-8 grade schools in Georgia. Grants up to \$500,000 are available through a competitive application process. Due to the construction of the new W. G. Nunn Elementary on Lakeland Avenue and the proximity of the J. L. Newbern Middle School on Park Avenue, transportation improvements are needed to help children reach both schools by foot or by bicycle. The City is requesting grant funds to complete Phase I of needed infrastructure improvements needed around the new W. G. Nunn School which will open in the fall of 2009. Von Shipman recommended that Council approve the request to apply for grant funds in the amount of up to \$500,000 and the resolution for the Georgia Department of Transportation Safe Routes to School Program.

A MOTION by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (6-0) to approve the request to apply for grant funds and to enact Resolution No. 2008-18, a Resolution for the Georgia Department of Transportation Safe Routes to School Program, the complete text of which will be found in Resolution Book IV.

Consideration of a request to purchase 25 tickets for the 2009 Martin Luther King, Jr. Commemoration Association Founders' Banquet.

Larry Hanson, City Manager, stated that the City has co-sponsored Martin Luther King, Jr. Commemoration Association Founders' Banquet which will be held on Saturday, January 10, 2009 at the James H. Rainwater Conference Center. Tickets for the event are \$15. Larry Hanson recommended that Council approve the request to purchase 25 tickets for a total amount of \$375.

A MOTION by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (6-0) to purchase 25 tickets for the 2009 Martin Luther King, Jr. Commemoration Association Founders' Banquet.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that Police Officer Brian Becton who was wounded recently has been released today from the hospital and is attending the Department's Christmas Party this evening.

The City Council meeting scheduled for December 24, 2008 has been cancelled.

The Easter Seals Association will be hosting a cookout on Monday, December 15, 2008 at 6:00 p.m. at 400 East Park Avenue and Council is invited to attend.

There will be a retirement ceremony for Judge H. Arthur "Mac" McLane on Thursday, December 18, 2008 at the Court House.

COUNCIL COMMENTS

Mayor Fretti thanked Anne-Marie Wolff, Planning and Zoning Administrator, for her work on the LDR.

Councilman Vickers stated that the incoming President would be active in certain projects and this may be a good time to see if we could get the Georgia Department of Transportation (DOT) to act on the project for an overhead pass on Hill Avenue. Mayor Fretti that the City recently submitted some documents to the Georgia Municipal Association to be submitted to the President for his stimulus package which will be approximately \$600 billion dollars for infrastructure. With the movement of the Highway 41 North widening project off of the DOT's list, we would like to take advantage of that and see if the DOT would move that project up on the priority list. Larry Hanson stated that the DOT met this week with Congress and submitted two separate lists of projects to them. One list was for projects that would be ready to bid and the other was for unfunded projects and the City's project should be on the funded list.

Councilman Wright stated that he felt there are two different standards when it comes to Council approving projects in certain areas. The whole purpose of the 18 months for the LDR was so they would not mix businesses in with communities. Tonight Council has disregarded all of that because something was approved even though it was not known what was going on the property. There was no discussion about the housing or school in that area which needed to be considered before Council made a decision. That shows two different standards of development that is applied when Council looks at these communities. Councilman Wright stated that he knows what it means to put that type of development in an area. There is a storage place on Forrest Street where junk sits out in front of a building and Council has allowed that to happen. Council uses two different standards and Councilman Wright was very concerned about it.

ADJOURNMENT

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Payton, seconded by Councilman Head was unanimously adopted (6-0) to adjourn the December 11, 2008 meeting of the Valdosta City Council at 8:25 p.m. to meet again in regular session on Thursday, January 8, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta