

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, JULY 9, 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, Willie Head, Jr., Robert Yost, and James Wright. Councilman Alvin Payton, Jr. arrived at 5:40 p.m. and Councilman John Eunice was absent. The invocation was given by Councilman Carroll, followed by the Pledge of Allegiance.

**AWARDS AND PRESENTATIONS**

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

Consideration of the July Employee of the Month Award (Kari Williams, Police Department).

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

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

Mayor Fretti presented the July, 2009 Employee of the Month Award to Kari Williams (Police Department).

Kari Williams began her employment with the Valdosta Police Department in April, 1995 as a Patrol Officer. In 2002, she transferred to the Bureau of Investigations and is currently serving as a Detective in the Person's Crime Unit. Detectives assigned to the Person's Crime Unit are tasked with investigating crimes against the person as it is so named and may include offenses such as rape, armed robbery, kidnapping, assault, homicide, and child abuse. It is an extremely demanding and stressful area within law enforcement requiring not only exceptional investigative skills but the ability to show compassion and empathy for the victims as well. During her career with the Valdosta Police Department, Detective Williams has generated an impressive track record. Over the past year she signed 52 felony warrants and 23 misdemeanor warrants in the prosecution of various crimes. During the same time period, her investigative efforts resolved 102 of the 159 cases assigned to her. This was due to Detective Williams' unyielding perseverance and her ability to develop fresh leads when it appeared the case had reached a dead end. As Ralph Waldo Emerson once stated, "Our greatest glory is not in never failing, but in rising up every time we fail." Detective Williams' success rate has certainly shown this time to be true. Even with her large case load, Detective Williams finds time to plan activities for her fellow Officers such as the Department's Christmas Party and participates with the Department's Bicycle Patrol to reduce crime in various areas around the City. Throughout her career with the City, Detective Williams has proven herself to be a valuable asset to the Police Department and the citizens of Valdosta and she is to be commended for her work. For these reasons and many others, the City of Valdosta Employee Relations Committee recognized Kari Williams as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the June 25, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

**CITIZENS TO BE HEARD**

There were no citizens to be heard.

**ORDINANCE NO. 2009-30, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE**

Consideration of an Ordinance to rezone 14.52 acres from Highway-Commercial (C-H) to Multi-Family Residential (R-M) as requested by Gary Prine (File No. VA-2009-15). The property is located at 2107 Baytree Road. The Planning Commission reviewed this request at their June regular meeting and recommended approval (6-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 14.52 acres from Highway-Commercial (C-H) to Multi-Family Residential (R-M) to accommodate a proposed 192-unit collegiate apartment complex. The parcel, which consists of 20.52 acres, is located at the eastern end of Baytree Road where it meets I-75 and is the former Elks Lodge. The other 6 acres would remain zoned C-H for future commercial development. The property was rezoned from Single-Family Residential (R-10) to Highway-Commercial (C-H) in 2005 and the applicant is requesting to return back to the Residential zoning district. The site plan shows 192 units housed in 10 apartment buildings, a pool, a volleyball court, a basketball court, and a clubhouse. There are 536 parking spaces with the main gated entrance on Baytree Road and a second gated entrance on Pallbearer Road for emergency purposes only. The property is located in a Community Activity Center Character Area on the Future Development Map. There is a small area of Parks/Recreation/Conservation Character in the northeast corner of the parcel where the floodplain and wetlands are located and will not be impacted by the development. The area is a diverse array of zoning districts which range from small areas of light manufacturing and Residential-Professional to larger areas of Single-Family Residential and Highway-Commercial zonings. The proposed complex would be largely buffered by I-75 and the existing lake and would potentially have minimal impact on the neighboring residents. In considering the request, Staff looked at the fact that the property is within a Community Activity Center Character area and the Comprehensive Plan calls for a higher density, multi-family residential style development. The Community Activity Center Character area fosters the concept of being a hub of the immediate community-promoting a high density of residential uses to support the office, retail, and service uses. Staff felt that this would provide a good opportunity to provide adequate housing for Valdosta State University students because they do not have sufficient housing on campus and it would be better to locate the students at an apartment complex designed for students. This is a specific style of apartments geared toward college students and they will have Staff on the property 24 hours a day to address any needs. Also, 2% of the units would have to be handicap accessible or adaptable. Staff found the request for R-M zoning consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their June 29, 2009 regular meeting and recommended approval for Multi-Family Residential (R-M) zoning (6-0 vote). The Zoning Board of Appeals approved the applicant's request for a variance to the parking regulations regarding pervious materials being used and having this type of development with more than 50 units coming in off of a local road. Improvements would also need to be made to Baytree Road and the frontage road.

Bill Langdale, Attorney with Langdale & Vallotton, 1006 North Patterson Street, spoke in favor of the request. Mr. Langdale stated that he represented the applicant and they selected Valdosta because they wanted to build here. They are located in 11 states and have 19 projects. Mr. Langdale stated that this would be a structured housing unit with 70% density and 24-hour management. They have organized recreational events, study programs, and bus pickups. The apartments will be fully furnished with paid utilities. The lighting will be shaded and directed away from any residences. The wetlands will not be impacted and Pall Bearer Road will not be blocked. The road will be improved to some extent and used only for an emergency in order to satisfy the City Ordinance to have two ways in and out of the complex. This is a less intense use of the property and will be a big improvement to the area. Mayor Fretti asked that the applicant meet with John Whitehead, Deputy City Manager of Operations, to set up a recycling program for the complex.

Jeff Deloach, 2415 Riverside Drive, spoke in opposition to the request. Mr. Deloach stated that he was not really opposed to the request but wanted to voice some concerns. He owns the property north of this area and there is a lot of erosion from the lake and runoff. He is constantly cleaning up trash to improve the area. Mr. Deloach stated that he was concerned about the erosion and trash getting into the river. There has been a problem with people illegally dumping on Pall Bearer Road and he could foresee big college parties there since it is so close to the river. Mr. Deloach asked that someone keep a close eye on the area. Mayor Fretti stated that the City Engineer

will be involved during the construction process and was hopeful that activity around the development would prohibit or curtail illegal dumping. Councilman Yost stated that he would like to see the City Engineer or someone involved with the project to discuss what they are doing to control water flow on the property and into Lake Sherri and what Staff is currently doing to work with the residents and Homeowners Association of Lake Sherri to prevent trash and other things flowing into the lake and river.

Von Shipman, City Engineer, stated that they currently have a body of water that has been permitted to be breached. This was a bar pit that was constructed a few years ago after the Elks Club moved. This is not a wetland sensitive area and they have been allowed to drain the area that was holding water. They have erosion control measures in place and the City has reviewed the area to ensure that the measures have been maintained. During the course of construction and after the Elks Club building is removed, there will be a considerable amount of grading to move the dirt on the hill to level out the property. This will reduce the speed of the water as it leaves the property. The Zoning Board of Appeals has allowed for more impervious parking than what is allowed by the Code. In order to improve the water quality, the developer has agreed to a requirement to double the amount of water quality volume. This means that when the water runs off there is twice as much volume for that water to have to sit there and allow the sediments to settle out into the pond and not be flushed downstream. The quality of the water runoff will be much improved. None of the water will enter Lake Sherri and it is all being directed to the north into a holding facility where it will be released at a rate that will not exceed existing runoff rates. Councilman Head inquired as to whether there were any signs posted to prohibit illegal dumping. Von Shipman stated that there are signs posted and there is a locked gate at the end of Pall Bearer Road. Also, Baytree Road is classified as a local road and this has been permitted to be on a local road. The developer conducted a traffic study and they used a typical apartment complex which is much different than a student apartment complex. The report stated that there would be no negative impact at the intersection of Baytree Road and Gornto Road. They are in good shape with the movement of traffic; however, the structural condition of Baytree Road from Springhill Drive to the end is a very susceptible condition because there is a minimum amount of base and pavement. The City has agreed to resurface that portion of the road to strengthen it with a 1 ½ inch layer of asphalt which will meet the needs of the development as well as any future development in that area. The City has also talked to the developer about their willingness to upgrade the section of Pall Bearer Road from Baytree Road to the emergency entrance and they have agreed to do that. The City's share of the cost will be \$25,000 and the developer's share will be \$10,000. An alternate way for traveling this road has been looked at and the City is not ready to make a recommendation at this time. The speed limit on this section of road is 30 miles per hour and it will be difficult to keep students from driving over 30 miles per hour without some traffic calming devices. Larry Hanson stated that the City Engineer is looking at several issues such as drainage, ditches, and a box culvert and what alternatives can be implemented for a combination sidewalk/bicycle lane that would be the most cost effective approach. Von Shipman stated that the right-of-way is actually 60 feet so there is a lot less right-of-way to work with. The City would possibly have to obtain easements or additional right-of-way. The City has also been discussing ways to improve trash collection in this area and is looking at the installation of structures that will intercept a lot of the trash that is being flushed into Lake Sherri. Mayor Fretti inquired as to whether they could have some restriping that would allow the continuation of the bike lane because it would not do any good to have it in the new section and not the current section. Von Shipman stated that they would look at possible widening in the future and there may be a restriction at the bridge because it is only four lanes wide. They could possibly take one of the four lanes and make one a bike lane but it would take some significant timing changes to move the traffic to and from Valdosta State University during special events. Widening of this road would be a major endeavor. Councilman Carroll inquired as to whether the improvements to Baytree Road fit within the Master Transportation Plan and the Bicycle/Pedestrian Plan. Von Shipman stated that the Master Plan does show improvements to Baytree Road and any improvements for widening roads would include bike lanes. They could add four feet on both sides of the road. Councilman Carroll stated that the flyover at the end of Baytree Road, which is in the Master Plan, and any needs for upgrading the road would be accomplished at that time. Councilman Head stated that the property that is located on the hill (the old Holiday Inn site) may want an entrance on Baytree Road and enter from the back portion of the property. Von Shipman stated that the tentative plan for the old Holiday Inn property is for a phase type of development and they did show a tentative driveway to the north that abuts Baytree Road but that has not been approved. They do have a proposed driveway plan off of Twin Street which would possibly encourage some of the local traffic to drive through that area to get to the restaurants and to avoid St. Augustine Road.

A **MOTION** by Councilman Yost, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2009-30, an Ordinance to rezone 14.52 acres from Highway-Commercial (C-H) to Multi-Family Residential (R-M) as requested by Gary Prine, the complete text of which will be found in Ordinance Book XI.

### **A REQUEST TO CLOSE A PORTION OF BARFIELD DRIVE**

Consideration of a request to close a portion of Barfield Drive.

Von Shipman, City Engineer, stated that in mid-June the City was presented with a formal petition requesting to close a portion of Barfield Drive for a major apartment complex development that is being proposed. The portion of Barfield Drive to be closed would begin at a point approximately 500 feet east of Ashley Street and continue east to the point where Barfield Drive turns into Garden Drive. Easements will be required where utilities (City or private) are to either remain or be relocated. Notices were sent to all utility owners and a public hearing is required. The public notice was advertised in the Valdosta Daily Times. Von Shipman recommended that Council approve the request to close a portion of Barfield Drive. Councilman Payton inquired as to whether the closure would be beyond 401 Barfield Drive. Von Shipman stated that was correct and some businesses located there would not be impacted by the closure. Councilman Payton inquired as to why the traffic study, which was conducted at the intersection of Garden Drive, Smithbriar Drive, and the Wal-Mart/Perimeter Road, was conducted so far away. Von Shipman stated that there is a proposed driveway that will allow those who need to access Brookfield Drive because it is requirement to have two points of ingress/egress for a development of this size. The traffic study indicated that there would not be a large number of people trying to go toward Perimeter Road but it would depend on who lives there and their destination. The study looked at Ashley Street and indicated that the level of service at the intersection of Garden Drive and Ashley Street and Ashley Street and Smithbriar Drive would not be adversely affected by the development. Councilman Payton stated that he was concerned about the amount of traffic in that area because he had received complaints about another complex on Bemiss Road near Connell Road and how difficult it was for traffic to enter Bemiss Road. Von Shipman stated that the area on Bemiss Road is unregulated and traffic is not being managed but they will look at this for future projects. On Ashley Street there is a coordinated traffic pattern which provides gaps in the flow of traffic during heavy peaks. Some people may feel that the adjoining development on Garden Drive would impact the traffic but that development has access to Connell Road and the traffic signal. They also have some driveways on Garden Drive. Von Shipman stated that they will monitor the situation and will work with the Georgia Department of Transportation.

Bill Nijem, Attorney, 612 West Alden Avenue, spoke in favor of the request. Mr. Nijem stated that he represented the petitioner, Five Points Properties, LLC, which is an affiliate of Ambling Development. They would like to develop a 265 unit apartment complex between Barfield Drive and Garden Drive. The petitioner felt that closing the road would allow them to build a complex with a more appealing layout. Also, there was some concern about the intersection of Ashley Street and Barfield Drive because it is located so close to Five Points so they wanted to seal off any traffic coming out of the apartment complex entering or exiting on Barfield Drive. They would like to make Garden Drive the main point entrance point to the development. The current zoning is R-P which allows for Multi-Family development. The property is currently vacant and this development will be comparable to The Links located on North Valdosta Road. There will be 11, 3-story buildings surrounding a central courtyard along with a clubhouse, game room, gym, playground, and swimming pool. The timeline for construction is 14-16 months and the developer will be tapping into the water and sewer lines leading to the site. North Ashley Ventures, LLC is the developer of the property and is in support of the petition and project. Councilman Yost inquired as to when the project would be started. Mr. Nijem stated that they have some deadlines for financing approval next month and that was the importance in getting this on the agenda.

No one spoke in opposition to the request.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to close a portion of Barfield Drive.

**ORDINANCE NO. 2009-31, AN ORDINANCE FOR BODY ART ESTABLISHMENTS AND OPERATORS**

Consideration of an Ordinance for Body Art Establishments and Operators. (Second Reading)

Mark Barber, Deputy City Manager of Administration, stated that the Lowndes County Board of Health contacted the City about an Ordinance in an effort to strengthen enforcement of body art establishments. This will allow the City Marshals to enforce this in Municipal Court. The proposed ordinance does not change anything that we are currently doing should not be a burden to the City Marshals for enforcement. Mark Barber recommended that Council approve the Ordinance for Body Art Establishments and Operators.

**A MOTION** by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (6-0) to enact Ordinance No. 2009-31, an Ordinance for Body Art Establishments and Operators, the complete text of which will be found in Ordinance Book XI.

**RESOLUTION NO. 2009-23, A RESOLUTION TO AUTHORIZE THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY**

Consideration of a Resolution to authorize the filing of an application with the Department of Homeland Security, Federal Emergency Management Agency to fund construction of one new Fire Station, replacement of two existing Stations, and Station retro-fits at three other Stations.

Fire Chief J. D. Rice stated that the Assistance to Firefighters Fire Station Construction Grants (FSC) provides financial assistance directly to Fire Departments on a competitive basis to build new or modify existing Fire Stations in order to enhance their response capability and protect the community from fire and fire-related hazards. The City of Valdosta is seeking funding to support the construction of a new Fire Station in the northeast quadrant of the City to meet the needs of an area that is currently growing and to improve incident response times. The City will also seek funding to replace Station 7 at the Airport which is more than 34 years old and is non-compliant with the American with Disabilities Act as well as other national standards and guidelines. Chief Rice met with the Airport Authority and gave them a brief overview of the Crash/Rescue Fire Station and they unanimously approved the concept to endorse the City's request for Federal funding. The City will also request funding to re-locate Station 5 on Oak Street Extension to a site slightly north and east of the present site. This will improve coverage and response times and eliminate the difficulty fire vehicles have exiting the current location. The City of Valdosta is also requesting funding to retro-fit three stations that are currently lacking vehicle exhaust extraction systems in the bay areas. Station 2 located on Park Avenue and Station 6 located on Enterprise Drive both need to be outfitted with diesel exhaust removal systems in order to be in compliance with the standard codes for firefighter safety and well being. The total funding requested is \$5 million and there is no required match. Chief Rice recommended that Council approve the Resolution to authorize the filing of an application with the Department of Homeland Security, Federal Emergency Management Agency to fund construction of one new Fire Station, replacement of two existing Stations, and Station retro-fits at three other Stations.

**A MOTION** by Councilman Head, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Resolution No. 2009-23, a Resolution to authorize the filing of an Application with the Department of Homeland Security, Federal Emergency Management Agency to fund construction of one new Fire Station, replacement of two existing Stations, and Station retro-fits at three other Stations, the complete text of which will be found in Resolution Book IV.

**RESOLUTION NO. 2009-24, A RESOLUTION TO AUTHORIZE THE FILING OF AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Consideration of a Resolution authorizing the filing of an Application with the United States Department of Housing and Urban Development to fund eligible activities under the Neighborhood Stabilization Program - 2.

Mara Register, Assistant to the City Manager, stated that in 2008, Congress appropriated funds for neighborhood stabilization under the Housing and Economic Recovery Act. In 2009, Congress appropriated additional neighborhood stabilization funds under the American Recovery and Re-investment Act (ARRA). The Neighborhood Stabilization Program - 2 (NSP-2) is the second round of funding through a competitive grant program and the purpose of these funds is to assist in the redevelopment of abandoned and foreclosed homes. There are specific criteria from the U. S. Housing and Urban Development (HUD) that must be met in order to be able to apply and it is reviewed on a Census tract-by-Census tract basis. The City of Valdosta will apply for \$5 million in funding and the submission deadline is July 17, 2009. There is no required match for the grant program. The mandatory public notice was posted on the City's website, placed at both locations of the South Georgia Regional Library in the City, and advertised in the Valdosta Daily Times and on Metro Valdosta Channel 17. The City is applying for activities under our four qualified Census tracts. These activities will be to acquire and dispose of properties in neighborhoods for first time home buyers and looking at abandoned, foreclosed, and vacant properties. In order to stabilize the influence of issues on these neighborhoods, they are also proposing to demolish at least 200 structures through Code enforcement efforts and program administration. Councilman Wright stated that he thought there were other areas that met the criteria that were not on the map. Mara Register stated that there are only four Census tracts in the City and in order to apply, they had to go to the HUD web site, then to the Census tracts, and when each tract was called up it indicated whether they qualified or not. There were only four tracts that qualified in the City of Valdosta and they gave the City an application number in order to proceed with the application process.

**A MOTION** by Councilman Head, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Resolution No. 2009-24, a Resolution to authorize the filing of an Application with the United States Department of Housing and Urban Development to fund eligible activities under the Neighborhood Stabilization Program – 2, the complete text of which will be found in Resolution Book IV.

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

Larry Hanson, City Manager, stated that the Parks and Recreation Authority will be hosting a Grand Opening for the Sr. Citizens Center Swimming Pool on July 16, 2009 from 6:00 p.m. to 8:00 p.m. and Council is invited to attend. Also, the Lowndes County Board of Commissioners will be hosting a dinner on July 20, 2009 at 6:30 p.m. at the 4-H Camp and the deadline to RSVP is July 10<sup>th</sup>.

John Whitehead, Deputy City Manager of Operations, was selected to attend a Federal Emergency Management Agency (FEMA) program that was created and sponsored by the National League of Cities and the International City/County Managers Association. There were only 40 professionals in the United States invited to participate in this emergency and disaster management training program which is being held in Mobile, Alabama. The program is 100% paid for with Homeland Security Funds and it is an honor for John to have been selected as a participant.

There will be a tour of the Crime Lab tomorrow at 3:30 p.m. and again the following Friday for the Mayor and Council. This is a preliminary tour but the Crime Lab is nearing completion.

### **COUNCIL COMMENTS**

Councilman Vickers inquired as to how much money the City has received through Stimulus Funding to date. Larry Hanson, City Manager, stated that the City has applied for close to \$200 million and most of the announcements have not been made yet.

Councilman Head stated that the Mayor and Council met last year with the Valdosta City School Board and inquired as to when another meeting would be scheduled. Larry Hanson stated that he would follow up with Dr. Bill Cason, Superintendent of Valdosta City Schools. The City hosted the first meeting and the School Board was to host the next meeting. Councilman Head also noted that he was traveling east on Northside Drive and observed some adults trying to cross Northside Drive and appeared to be puzzled as to where they should cross. There were

no markings or cross walks so the City may need to look at the streets and major intersections to ensure that there are directions for pedestrian crossing. Von Shipman stated that he would meet with the Georgia Department of Transportation on providing some equipment and striping for that area.

Councilman Payton inquired as to when the next Mayor and Council Tour would take place. Larry Hanson stated that it is scheduled for Friday, July 17, 2009.

**ADJOURNMENT**

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

**A MOTION** by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the July 9, 2009 meeting of the Valdosta City Council at 6:47 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:50 p.m. and stated that there was discussion of real estate and potential litigation in the Executive Session and no action was taken.

Larry Hanson, City Manager, stated that Municipal Court Judge Vernita Bender was expecting her first child in late November. The Mayor, City Manager, and the Human Resources Director will meet with Attorney James Council to negotiate an acceptable agreement for him to serve as an Interim Judge during the time Judge Bender is out on maternity leave.

Mayor Fretti entertained a motion for adjournment.

**A MOTION** by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the July 9, 2009 meeting of the Valdosta City Council at 7:51 p.m. to meet again in regular session on Thursday, July 23, 2009.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta