

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, AUGUST 8, 2013
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

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

AWARDS AND PRESENTATIONS

SPECIAL PRESENTATION BY THE AMERICAN CANCER SOCIETY

Ashley Braswell, Community Manager for the South Georgia District, stated that in support of the American Cancer Society (ACS), approximately 200 City of Valdosta employees planned, participated, and led various events from January 1, 2013 to May 3, 2013 to help the City of Valdosta's team reach and exceed their goal of \$5,000 for the ACS Relay for Life. The Departments had a friendly competition between them and the Police Department single-handedly raised \$2,393 which was 44% of the grand total of \$5,355 raised by the City of Valdosta Team. Fundraising events included a Bowling Tournament, a Boston Butt Sale, a Valentine's Day Sing-a-Gram, a Silent Auction, and the sale of team T-shirts. The 2013 Relay for Life Campaign culminated on May 3, 2013 at McKey Park as hundreds of residents throughout the Lowndes County area assembled to walk non-stop for a 12-hour period in honor of those lost to Cancer, in celebration of those who have fought and won their battle with the disease, and in observance of those who are yet to be diagnosed. Ashley Braswell presented the team trophy to the Valdosta Police Department Team for raising the most money toward their goal. The efforts made by the entire City of Valdosta Team are immeasurable. Programs and services are offered to cancer patients and their families because of the efforts made. This is our Relay for Life dollars coming back into our community in the form of research which is very exciting. Every dollar does make a difference and brings us closer to saving more lives. Ashley Braswell thanked all of the City Departments and employees for their participated in this event and for their support to help find a cure for Cancer.

PRESENTATION OF THE AUGUST, 2013 EMPLOYEE OF THE MONTH AWARD

Pat Collins, City Engineer, presented the August, 2013 Employee of the Month Award (Dana Fudge and Jamie Byrd, Engineering Department).

Dana Fudge began his employment with the City of Valdosta's Engineering Department in July, 2007 as a Light Equipment Operator. He was promoted to Sign Maintenance Helper in December, 2007 which is the position he currently holds. Jamie Byrd began his employment with the City of Valdosta's Engineering Department in February, 2007 as a Light Equipment Operator. He was promoted to Sign Maintenance Helper in June, 2008 which is the position he currently holds. Dana and Jamie are responsible for installing reflectors on roads and shoulders, painting and installing thermoplastic striping, clearing brush from around signs at intersections, installing traffic counters, and setting out barricades for parades and special events. Recently, while Dana and Jamie were completing routine general maintenance on James Road, they spotted some money on the sidewalk. Instead of dividing the money, which totaled \$135, between themselves, they called the Police and turned the money in. The responding Police Officer, Patrolman Jimmy Griffin, told them that the money was more than likely from a robbery that had taken place in Valdosta and was probably dropped by the offender as he ran from the store through the thick brush down James Road. Officer Griffin thanked Dana and Jamie for their honesty and noted that with good leads, the Detectives will be able to solve the robbery and make an arrest. The City of Valdosta's Core Values and Beliefs states: "We require complete honesty and integrity in everything we do. We do the right thing." Dana and Jamie exemplify this statement with their actions. For these reasons and many others, the Employee Relations Committee nominates Dana Fudge and Jamie Byrd as Employees of the Month.

The minutes of the July 25, 2013 Regular Meeting were approved by unanimous consent (6-0) of the Council.

PUBLIC HEARINGS**ORDINANCE NO. 2013-14, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 1.8 acres from Single-Family Residential (R-15) to Single-Family Residential (R-10) as requested by Tombrooks, LLC (File No. VA-2013-10). The property is located at 316 Eager Road. The Greater Lowndes Planning Commission reviewed this request at their July Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Tombrooks, LLC is requesting to rezone 1.80 acres from Single-Family Residential (R-15) to Single-Family Residential (R-10). The property is located at 316 Eager Road which is along the north side of the road and approximately 140 feet west of Jadan Place. It is directly across the street from the eastern Fawnwood Circle intersection with Eager Road. The property contains an existing rented single-family residence. The applicant is proposing to subdivide the property for future residential development and is also requesting Planned Development approval which is being reviewed under a separate agenda item (File No. VA-2013-11). The applicant requested this same rezoning for the property last Fall. It was reviewed by the Planning Commission on November 26, 2012 but was withdrawn by the applicant before reaching the final public hearing at City Council. The property is located within an Established Residential (E-R) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-10 zoning. The property was formerly part of a large unincorporated residential island that was annexed in 2006 (Island #35). At that time, the property was zoned R-15 in the County and it was given the City's R-15 zoning upon annexation. This island area was served by a private water system with individual septic tanks. As part of the islands annexation approval, the City is in the process of serving this entire area with public water and sewer services. City water service is already available to the property from Eager Road; however, sewer services will not be available until sometime next year. The property is a classic example of a proposal for infill development. Under R-15 zoning, the property has enough land area (78,500 square feet) for up to five single-family lots; however, it does not have enough road frontage along Eager Road for more than one lot (each lot must be at least 100' wide and contain at least 15,000 square feet of land area). The only solution for subdividing this property conventionally under R-15 zoning is to construct a new street (50' right-of-way) along the eastern property line with a cul-de-sac approximately $\frac{3}{4}$ of the distance into the lot, and then subdivide lots off of the new street. The main problem here is that the new street right-of-way would consume approximately $\frac{1}{3}$ of the total land area and the new subdivision would yield a total of only three lots. The same kind of scenario would apply under R-10 zoning. The property is still not wide enough along Eager Road to have more than one lot (each lot must be at least 80' wide and contain at least 10,000 square feet), and it must use the same kind of street design to subdivide and develop the property with more than one lot. Because of the smaller lot widths allowed in R-10 zoning, this scenario would allow a subdivision with four lots instead. Ironically, in this scenario each lot would average approximately 13,000 square feet due to irregular lot shapes and net-buildable areas caused by the cul-de-sac. Conventionally, there is no way to add more lots to this scenario and still meet Code requirements. As a result, the R-10 scenario actually yields lots that are fairly close to the R-15 minimum lot size requirements. The existing land use pattern along Eager Road is dominated by single-family residential subdivisions of various shapes and sizes. There is no question that the residential land use pattern should continue. In terms of zoning pattern, most all of the properties along the north side of Eager Road are zoned R-15; however, it should be pointed out that this is a little deceiving in that the small subdivisions to the east along Jadan Place and Walmar Place are non-conforming in that $\frac{1}{3}$ of their lots do not meet the R-15 minimum standard. By today's standards, they would be zoned R-10. Along the south side of Eager Road there is both R-15 and R-10 zoning. There is also the Quail Rise Subdivision (PRD-10 zoning, Fawnwood Circle) directly across the street which has most lot areas ranging from 6,000 to 8,500 square feet, and also the Langdale Place development with R-P zoning a little farther east. Even though the proposed R-10 zoning is a little denser than the surrounding R-15 zoning on the north side of the road, it is a little less dense than the PRD-10 development across the street. Due to development constraints of subdividing the property and developing it conventionally, the net result would be single-family lots that would come close to meeting the R-15 general standard. In some ways, this could be considered a transition between the R-15 on the north and the

established PRD-10 to the south. Because of the irregular dimensions of the overall property, the proposed R-10 zoning is the most logical means to development this for infill development with compatible lot sizes. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommend approval. The Planning Commission reviewed this at their July 29, 2013 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0 vote).

Tom Call, 5 Moss Trail Circle, spoke in favor of the request. Mr. Call stated that he was one of the owners of the property and the applicant seeking the rezoning. The primary reason for this request is coming up in the next Agenda Item for a Planned Development approval. Mr. Call stated that he would save his comments for that time because they mostly pertain to the Planned Development.

Julian Norman, 317 Crestview Drive, spoke in opposition to the request. Mr. Norman stated that he had the pleasure of walking Central Avenue back when they were digging the basement to the Post Office. He has been around a few years and has seen a lot of things go on in Valdosta. Some of them he highly approved of and some he did not. He has lived in Valdosta for approximately 90 years and he hopes to live a lot longer. The lots that they are asking for approval tonight to build some houses are right beside his house. He does not approve of it one bit. They tried to do this before and it did not work. He does not have any quarrel with anyone but he does think that after 50 years of living adjacent to this property he has a right to ask Council not to approve this request for development. Mr. Norman stated that if members of Council lived where he does they would not want this approved to build houses jammed up right next to your back door. It is not right. Mr. Norman stated that he knows that the developers want to make a few dollars. They look around town and try to find a place where they can put some houses and the City would get taxes from it plus other fringe benefits. There is Langdale Place across the street from this property and if there was a major fire he did not know how the people would get in and out. Mr. Norman asked Council's consideration in not approving the request.

Councilman Carroll stated that while he appreciated Mr. Norman's desire that the property stay the way it is, individuals who own property do have certain rights to be able to develop the property. The owners of this property have the same rights and the R-10 zoning is reasonable based on everything around it.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2013-14, an Ordinance to rezone 1.8 acres from Single-Family Residential (R-15) to Single-Family Residential (R-10) as requested by Tombrooks, LLC, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-15, AN ORDINANCE TO FOR PLANNED DEVELOPMENT APPROVAL FOR A RESIDENTIAL DEVELOPMENT

Consideration of an Ordinance for Planned Development approval for a residential development consisting of 1.8 acres as requested by Tombrooks, LLC (File No. VA-2013-11). The property is located at 316 Eager Road. The Greater Lowndes Planning Commission reviewed this request at their July Regular Meeting and recommended approval with seven conditions (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Tombrooks, LLC is requesting Planned Development approval for a residential development on 1.80 acres located at 316 Eager Road. This is along the north side of the road, approximately 140 feet west of Jadan Place. The property is currently zoned Single-Family Residential (R-15) and is located within an Established Residential (E-R) Character Area on the Future Development Map of the Comprehensive Plan. The applicant had concurrently requested rezoning of this property to Single-Family Residential (R-10) which was under File No. VA-2013-10. The property contains an existing rented single-family residence. The applicant is proposing to remove the existing residence and redevelop the property as a non-conventional, single-family subdivision containing eight homes on individual lots. The homes would be located along a private road easement that is curved linear in shape and would be privately owned and maintained by the Homeowners Association or the homeowners themselves within the property. The conceptual site plan has not been engineered yet and, if approved, it still has to go through the full development review process and meet all of the applicable City development regulations. Planned Development is not a zoning change and is

an overlay approval that is similar to the City's Conditional Use process. Planned Development approval is tied to the Master Plan with any conditions that are attached to it. The underlying zoning simply remains as a guideline for the development in terms of land uses and density of the development. At any time, the owner of the property could abandon the Planned Development concept and seek to re-develop the property according to the R-10 zoning. For conventional purposes without any variances or Planned Development, in order to sub-divide, they will have to install a new road with a cul-de-sac and the most they could obtain would be four lots; however, under Planned Development, they are seeking some relief from some of the conventional development standards which the Planned Development process is geared for that. They have to note certain deviations of the standard Code that they might not follow as well as some things that they are going over and above. The deviations have to do with the street design. It is a non-conventional street and they are doing a private road. The minimum lot frontage in R-10 zoning is the lot width requirement of 80 feet. Most of their home sites will be 50 feet wide and some will be 150 feet wide. For the lot area, 10,000 square feet is the minimum and they have 78,000 square feet including the private road. If you divide that by eight you get almost 10,000 square feet so they are slightly below the R-10 standard. For building setbacks in R-10 for front, rear, and side yards, they will meet most of those but there are a few cases where the houses are nudged forward or back to add some variety to the design. Some of the setbacks are a little less than what the Code minimums might dictate. An additional thing that they are proposing includes a buffer yard around the perimeter of the entire development which will be 10 feet wide with a solid opaque fence. That is not required by the Development Code. There is no buffer required between R-10 and R-15 zoning and they could either landscape or fence which is purely optional. For the house size in R-10, the minimum is 1,000 square feet of heated space and their development plan shows two different sizes with one at 1,418 square feet and the other one at 1,537 square feet which is well above the R-10 minimum. For the neighborhood open space within the development, there are areas that will be set aside for proposed park and recreation, a community garden, decorative street lights, and clustered mailboxes. All of these things are optional and not required for developments of this size. The park land is not triggered until you reach 50 lots and this is only 8 lots. They are proposing some extra amenities as mitigation and compensation for some relief on some of the development standards which have to do with the road. Staff found the request consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval subject to the following conditions: (1) Approval shall be granted for an all-residential Planned Development in accordance with the submitted conceptual master plan. The development shall consist of no more than eight site-built single-family detached homes only. The development shall include internal open space areas, guest parking, passive parks and community gardens. All other allowable uses in R-10 zoning shall be excluded, except for home occupations that generate no traffic. (2) All homes shall be minimum heated floor area of 1,400 square feet. At least two different basic floor plans shall be utilized in a mixed pattern with variable architectural details along the streetscape. There shall be no more than two homes having an identical front façade design. Exterior design features shall be Craftsman or similar style as represented by the submitted sample drawings. All yards shall be irrigated and professionally landscaped by the time of home completion. (3) The development shall include restrictive Covenants and a Property Owners Association that is responsible for the proper maintenance of all common areas, shared roadway, stormwater facilities, entrance features, and internal landscaping. (4) The shared access driveway shall be a named, privately owned, and maintained roadway in the form of an access easement across each lot. Pavement shall be asphalt with a width of at least 24' near the entrance with Eager Road and at least 20' elsewhere. Sidewalks shall be omitted and curb and gutter shall be deemed optional. The roadway shall otherwise be constructed to City standards as approved by the City Engineer, with the proposed emergency vehicle turnaround being approved by the City Fire Marshal. Maintenance and ownership of the roadway shall be with the Property Owners Association and/or the property owners in perpetuity. The internal roadway shall include decorative streetlights and grouped mailboxes. (5) The perimeter of the development shall include a solid opaque privacy fence and a planted buffer yard. Except for the southernmost 30' near Eager Road, the fence shall be 8' high in accordance with the master plan. The buffer yard shall include a minimum of five small and one canopy tree per 100 linear feet that are all evergreen as approved by the City Arborist. (6) The development's frontage along Eager Road shall include only the shared private roadway and no other entrance drive, piping of the existing ditch in Eager Road, as well as a decorative landscaped entrance berm/fencing with trees as approved by the City Arborist. There shall be no more than one entrance sign for the development, which shall be a non-illuminated monument sign not to exceed 6' in height or 32 square feet in size. (7) Development of the project shall not commence until both public water and sewer services are available from Eager Road. Once these services are made available, development shall commence within one year and be completed within three years. Otherwise, Planned Development approval shall automatically expire. The Planning Commission reviewed this at their July 29, 2013 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval subject to the seven conditions as recommended by Staff (7-0 vote).

Councilman Yost inquired as to who asked for the conditions. Matt Martin stated that Staff recommended the conditions as stated and the Planning Commission made no alterations to them.

Councilman Carroll stated that one of the concerns that he has heard from various citizens who live close by is that this may become another Blue Pool area which has a less than impeccable reputation as being a fine quality residential development. He likes the idea of the minimum 1,400 square foot home which that in itself moves it above any concern of a Blue Pool since those homes are much smaller. Councilman Carroll inquired about the variable architectural details along the front facades and whether there was any discussion about specifically identifying material or identifying materials that would not be allowed. Matt Martin stated that the applicant submitted sample building facades and these are not exactly what they are proposing but it is a similar style and materials. There was no discussion of materials made by the Planning Commission. Council could amend that condition to include omitting certain materials or requiring a certain mixture of materials. He did not want to over burden the details of a building which is why they had asked the applicant to submit the drawings which is a requirement for Planned Development. As each home is built, it will go through a full Staff review process to ensure that it complies with the Planned Development. Councilman Carroll inquired as to whether Staff would ensure that each house meets the variable materials criteria as each site is brought forth for permitting and construction. Matt Martin stated that they would compare them to the drawings and the master layout plan. One of the goals of the conditions was to ensure some variability among the houses. Councilman Carroll stated that the common external siding for the Blue Pool homes is vinyl and inquired as to whether it would be appropriate and applicable to this case to say "all but vinyl siding." Matt Martin stated that Council could amend the conditions to exclude certain materials and recommended that the change be incorporated in Condition No. (2). Councilman Yost stated that if bought a home over there and wanted to immediately change the outside of it then he could and would not have to go by the Condition. Matt Martin stated that the Planned Development approval is attached to the zoning of the property so when it comes through for permitting it is flagged as being part of this. Anything that would trigger a building permit will get reviewed against the approval of Planned Development so if Council adopts those conditions then those are conditions would be monitored. Councilman Carroll inquired as to whether the property owner would be responsible for maintaining the fence on their property. Matt Martin stated that was correct. As far as fence materials, it specifies a solid opaque fence which is usually a wooden or vinyl fence. Some of the more outlandish materials such as sheet metal are prohibited in the City Development Code so they would not be allowed to do that. In conversations with the applicant they have discussed a wooden fence. Councilman Carroll inquired as to whether they could have a chain link fence with a privacy slats. Matt Martin stated that it could not be that type of fence and that is why they included the word "solid."

Mayor Pro Tem Payton inquired as to the rationale for omitting the sidewalks and the curb and gutter. Matt Martin stated that was omitted to minimize the visual impact of this since it is eight dwelling units closer together than a conventional subdivision. The road conventionally would have to be 24' wide of pavement and sidewalk to make up a 50' right-of-way. Eight dwelling units do not generate much traffic at all and Staff felt it was not necessary to have all of those things as long as it still functions. Emergency vehicles and garbage trucks can still get down the road and back. Sidewalks are good to get pedestrians off the road when there is traffic on the road. This road functions as a shared driveway and the intended purpose is to minimize the amount of impervious surface and pavement that is there visually. Mayor Pro Tem Payton inquired as to whether a holding pond was discussed for this site. Matt Martin stated that it was discussed and is featured in the site plan at two possible locations. The property drains from north to south to Eager Road so logically retention ponds will be at the south end of the property in some configuration.

Tom Call, 5 Moss Trail Circle, spoke in favor of the request. Mr. Call stated that he was one of the owners of the property and is the applicant in this request. Their goal was to provide affordable, low maintenance homes for sale to people who downsizing. These would be geared toward elderly people and in doing so they have to create nice esthetics to go with the development. While he understands the concern of Mr. Norman in having a house at his back door, Mr. Norman's house is located at the bottom corner of the site plan which will be greenspace. Mr. Call stated that he would want his name attached to something that the community would be proud of. With regards to the Blue Pool comment, this will not be that type of development. In the Blue Pool area, you can see a straight shot down the road with no curve and all you see is houses. This development will not be like that because they are bending the road in the middle of the development. The sight line will be landscaping, angles of houses, and rooftops. As you drive down Eager Road you will only see one house which will be set off the road

a good bit because of the retention pond and landscaping. Mr. Call stated that he would like to propose two amendments to the conditions that are being proposed. At the Planning Commission, one of the members asked him if he had any problems with the conditions that were presented. At the time he was fine but the only condition that they might ask for a change in is the reduction in the square footage of the homes from 1,400 square feet to 1,300 square feet. Their overall goal is to provide affordable housing. They are planning to sale all of the houses and would not rent any of them. Councilman Vickers inquired as to what the price range of the houses would be. Mr. Call stated that the cost of the development would dictate that and they do not have those numbers at the present time; however, they will probably be in the \$100/foot range. The more conditions they have then the more that cost will go up. Mr. Call asked Council's consideration in amending the condition to include a 1,300 square foot minimum house in there. That is not to say that they are only going to build 1,300 square foot homes because they may have someone who wants a 1,500 square foot home. They are planning to pre-sell a lot of the homes so they will be custom built. Mr. Call stated that the second amendment to the conditions is about the fence. The fence is not required and that is something that they had agreed to provide. An eight foot fence versus a six foot fence was not something that he had really considered so after the Work Session he drove around town looking at six foot and eight foot fences. An eight foot fence is really ominous and they would really just like to have a choice. They do not know if an eight foot fence is best for the property even though it could be argued that it would be more secure but they are not in a non-secure area. The Homeowners Association may decide they want an eight foot fence but they would really just like to have the choice to have a six or eight foot fence depending on what best fits the esthetics of the project. It would be more expensive to have an eight foot fence but that does not mean that would not put it in if it better serves the development. Mr. Call also thanked Matt Martin and his Staff for the effort that they have extended to them to get this project off the ground. They started off with a denser project and a straight road that they did not see a problem with but Matt Martin was very patient and accommodating. This was a great public-private partnership in bringing this idea together.

Councilman Yost stated that he thought the minimum square footage for this development was 1,000 square feet so they are well within the standard. Matt Martin stated that his recommendation of 1,400 square feet came from the two different floor plans. One floor plan was 1,418 square feet and the other one was 1,537 square feet so to accommodate that they rounded the 1,400 square feet down to give them a little flexibility in case they fell a little short in what they had presented. Part of the goal in establishing a minimum like that is that this is one of the things that they are offering as a plus to offset some of the deviations. He encouraged them to have a minimum floor area that was as large as practical. These houses are not particularly large houses and there is not a lot of difference in the percentages because they both exceed the R-10 requirement. Matt Martin stated that these are planned to be three bedroom units and if they get a request to build a two bedroom unit then they would have extra square footage. They will probably not build them all as two bedroom units so it may be prudent to set a minimum of 1,300 square feet and maybe a certain number of them, such as six homes, to be at least 1,400 square feet. That would allow it to be a mixture which is not a bad thing but he would not want to set a lower common denominator for the entire development.

Councilwoman White inquired as to how it would negatively impact the development from the City's standpoint to have the range from 1,300 square feet versus 1,400 square feet. Matt Martin stated that in R-15 the minimum is 1,200 square feet and this particulate property is surrounded on this side of Eager Road by R-15 zoning. The house sizes would then be compatible with R-15. Conditions are to ensure that the development fits in with its surroundings a little more easily so house size is also there to help it fit in with surroundings and mitigate any other short comings. Councilwoman White inquired as to whether the 1,300 square feet would be detrimental to this development. Matt Martin stated that he thought it would be detrimental if the entire development was minimized to 1,300 square feet. If they condition it to 1,300 square feet with a number being at least 1,400 square feet. They could have the majority meet the 1,400 square foot standard and then one or two not. Councilwoman White inquired as to how it would negatively impact the look of the development. Matt Martin stated that it would become the standard of the neighborhood and a lot of times you evaluate neighborhoods based on the type of houses that are there so reducing the square footage too much for the entire neighborhood becomes the label.

Councilman Wright stated that he thought the minimum was 1,000 square feet. Matt Martin stated that was the minimum for R-10 zoning which is what they are now. Councilman Wright inquired as to what they are requesting now. Matt Martin stated that the master plan shows the houses to be 1,418 square feet and 1,537 square feet in R-10 zoning. Councilman Wright inquired as to whether they would have to get an amendment because

they were exceeding the standard. Matt Martin stated that is why those are minimum numbers. If they wanted to fit a 2,000 square foot house on the lot then they could do that. Councilman Wright stated that they are exceeding the standards that are set in our policy. Matt Martin stated that was correct. Larry Hanson inquired as to how many units they would be able to build if we were using the R-10 standard. Matt Martin stated that they would be allowed to build four houses. Councilman Carroll stated that if they want to build to the minimum standards of R-10 then develop the whole project as R-10; however, in this case they are asking for additional lots versus what would be allowed in R-10 zoning. Therefore, the reason Staff is asking for a higher minimum square footage is in exchange for the higher number of units. If you look on this side of Eager Road, these homes are in the 1,500 to 2,200 square foot range so size-wise you want to keep it relatively compatible to those homes directly abutting it which is reasonable. Councilman Yost inquired as to whether Councilman Carroll would have a problem with a certain number of the homes in the development being 1,300 square feet or larger. Councilman Carroll stated that he would not have a problem with that. Matt Martin's recommendation of setting the 1,300 square feet as a minimum with some 1,400 square feet and above is a reasonable request. Mayor Pro Tem Payton inquired as to whether Matt Martin was suggesting that 25% of those eight homes being 1,300 square feet. Matt Martin stated that two of the eight would be 1,300 square feet. Tom Call stated that their plan is not to build to the minimum and they just need some flexibility.

Gail Green, 2824 Fairway Circle, spoke in favor of the request. Ms. Green stated that she is a homeowner and has lived in that neighborhood for the past eight years. She is a Certified Property Manager and a Construction Manager with emphasis on historic preservation. She has been developing property for approximately 21 years and she is excited about this development. It will bring some fresh vitality to the area on Eager Road because the property has had some difficulties. The home designs are very quaint and appreciated. This development will have a certain prestige to it that will be very positive. It will blend well with the Georgetown development and Eager Road. Ms. Green encouraged Council to make good use of that property other than what it has been for last few years.

John Salter, Jr., 316 Simpson Place, spoke in opposition to the request. Mr. Salter stated that he has lived there since 1993 and has several concerns about the development. He went around his neighborhood and circulated a petition which was signed by 38 voting citizens of all ages who do not want the property developed due to several of the concerns that have already been mentioned. Mr. Salter stated that this property does need to be developed but not at the expense of the surrounding area. He is concerned about the developers building eight houses on 1.8 acres of land. They do not want it to turn into a Blue Pool area where college students will reside because it will turn into rental properties. Rental properties are on the rise in Valdosta and even though the development will make a contribution to the community, there is still a potential for an investor to buy the homes and then rent them. He would then have college students right next door to his house and a direct view of an eight foot fence with two houses behind it. This will set a precedent for the surrounding community and Valdosta because there are several properties that can be potentially developed in this manner. Another concern is the potential reduction in property values which could go both ways. These properties will be more valuable than the ones that are already present and there is a potential to increase property values because an empty lot reduces property values; however, if college students move in and dump trash over an eight foot fence because they cannot see over it anyway that could potentially reduce property values back to the original price. Mr. Salter stated that the eight foot fence is also a concern because it is quite ominous. Mr. Call had mentioned that Mr. Norman, who lives on the corner, would have a view of a greenspace community garden area but he cannot see through an eight foot fence. The surrounding area would not have a beautiful view of the neighborhood because of the eight foot fence and he would like to support the recommendation of a six foot or less solid fence. Mr. Salter stated that he was also concerned about the proximity of the fence to his property because the driveway on his property is located to the north of the property. He was concerned about damaging the fence because he brings trailers home from his work and he would like to have the fence moved back so it is not on the property line. He would also like to see some type of landscaping on the outside of the fence so that the surrounding area will not have such an ominous view.

James Parker, 1714 North Lee Street, spoke in opposition to the request. Mr. Parker stated that he was concerned that they are moving out of character with the neighborhood. He was a little bit benevolent about it because it is a fantastic site plan for what they are trying to do. Mr. Parker inquired about the lot sizes because they are going down from a density of four units to eight units. He was also concerned about the drainage issues like Chadwyck Place Subdivision encountered. The other lots around this will be affected by stormwater and runoff

because right now there is a big lot absorbing it all and then you will have a bunch of buildings creating runoff. Mr. Parker stated that Council should also take into consideration the people who have lived in that area for a long time as well as not allowing a white plastic fence.

A MOTION was made by Councilman Carroll to approve the Planned Development request with the seven conditions as presented and the following amendments: (1) Condition No. 2 – There will be 25% allowance for a minimum of 1,300 square foot home with all others at 1,400 square feet or above, and that of the variable architectural details, vinyl siding will not be allowed. (2) Condition No. 5 – The Homeowners Association that will be created and the developers will have the flexibility to go with either a six foot or higher fence and that the fence be wood and finished on both sides. Councilman Vickers seconded the motion. Larry Hanson, City Manager, suggested that the condition on the fence be a minimum of a six foot fence rather than the flexibility of a six foot or eight foot fence. Councilman Carroll stated that he was agreeable with the City Manager's recommendation and he would be agreeable to changing the 25% allowance to two lots being a minimum of 1,300 square feet. Councilman Vickers seconded the amendment to the motion. Councilman Wright stated that when they have a minimum requirement and they have met and exceeded that requirement to establish these residential properties he would be more comfortable in leaving this up to Matt Martin who deals with this on a daily basis. These gentlemen have worked hard on what they thought was good for the community and addressed the concerns that everyone has had. It makes it hard on a developer who wants to build something and then we place additional stipulations on it. This goes against the policy. Councilman Vickers stated that this was the exception and this was not a standard building site. Councilman Wright stated that this is a Planned Development that was approved by the Planning Commission. Councilman Yost stated that he understood where Councilman Wright was coming from in that they had a standard minimum and they were not going by that but he also understood the flip side of that and you can have a minimum of four homes with this zoning and they are giving already with the number of homes. Larry Hanson stated that the purposed of a Planned Development is so that you can negotiate conditions where you attempt to create equity and certainly make sure there is no harm so there is give and take. In the end, you hope that it is something good for the community and that it achieves balance and that is what everyone has attempted to do. The motion was unanimously adopted (6-0) to enact Ordinance No. 2013-15, an Ordinance for Planned Development approval for a residential development consisting of 1.8 acres as requested by Tombrooks, LLC, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2013-16, AN ORDINANCE TO ESTABLISH THE 2013 MILLAGE RATE

Consideration of an Ordinance to establish the 2013 millage rate.

Mark Barber, Deputy City Manager of Administration, stated that the Five Year History of Tax Levy was published in the Valdosta Daily Times on July 25, 2013 notifying the community of the proposed tax millage to be set by the City of Valdosta. The purpose of this ad is to inform property owners of the growth in the ad valorem tax digest and the level of taxes collected in the last five years. All governmental units and school districts are required by State law to publish growth rates in the tax digest and changes in tax rates. The Valdosta Board of Education adopted a 16.98 millage rate for this year at their July 22, 2013 meeting. Council will have to approve that in a separate motion. The 2013 Net Tax digest increased by .23 percent (excluding inflationary growth) compared to the 2012 digest. Applying the proposed millage rate to the current digest will generate approximately \$5,996,322 in revenue, which represents a \$13,538 increase from the prior year. Additionally, adopting the proposed millage rate will create a \$176,547 unfavorable variance when compared to fiscal year 2013 projections for those items where revenue is generated on the value and applying the appropriate millage rate. As discussed at the budget hearings, vehicles purchased on or after March 1, 2013 will be exempt from sales and use tax and the annual ad valorem tax (birthday tax). Instead these vehicles will be subject to a new, one-time title ad valorem tax that is based upon the value of the vehicle. The 2013 rate is 6.50% and will increase to 6.75% in 2014, then to 7% in 2015. Thereafter, the rate is variable and may go as high 9%. Based upon the current collection of the new tax, we are estimating the revenue to be \$680,000. This amount was not budgeted, so there will be an overall favorable budget to actual variance of \$503,453 in the tax area for fiscal year 2014. Also included in the Ordinance is 5 mills assessed on Downtown property owners. This tax is utilized for operating and maintenance of the Downtown area. Mark Barber recommended that Council approve the Ordinance to establish the 2013 millage rate.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (6-0) to approve the millage rate of 16.98 as adopted by the Valdosta Board of Education.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the 5 mills assessed on Downtown property owners.

A **MOTION** by Councilman Carroll, seconded by Councilman Yost, was unanimously adopted (6-0) to enact Ordinance No. 2013-16, an Ordinance to establish the 2013 millage rate for the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve banking and treasury services for the City of Valdosta.

Chuck Dinkins, Finance Manager, stated that the recommended practice is that a local government or agency disseminates a Request for Proposal (RFP) for banking and treasury services every four to nine years. The City last went through this process in 2009 and in an effort to stay within the guidelines a RFP was distributed to banking institutions for these services. RFP's were distributed to banking institutions in Valdosta and four responded. They were Certus Bank, Bank of America, Sun Trust, and BB&T. The responses were reviewed and assigned scores by Councilman Tim Carroll, Principal Accountant Cynthia Hill, Financial Services Manager Chuck Dinkins, and Deputy City Manager of Administration Mark Barber. Seven attributes were scored by the panel which included the following: (1) earnings/cost, (2) ability to meet service requirements, (3) daylight overdrafts, (4) availability schedule, (5) electronic banking services, (6) e-commerce, and (7) references. At the end of the scoring and review period, Bank of America was scored as the highest institution and agreed upon by the panel. Chuck Dinkins recommended that Council approve Bank of America for banking and treasury services for the City of Valdosta.

A **MOTION** was made by Councilman Vickers to approve banking and treasury services for the City of Valdosta. Councilman Carroll seconded the motion. Councilman Norton inquired as to whether they were going to go for three years with an extension of three years as an option. Larry Hanson, City Manager, stated that it was three years with two options for renewal. The motion was unanimously adopted (6-0).

Consideration of a request to approve the proposed SPLOST VII project list and allocation of funding for the SPLOST referendum in November.

Larry Hanson, City Manager, stated that the Mayor and Council developed a proposed SPLOST list at the Mayor and Council Retreat in March and then held an advertised Work Session on July 9, 2013 to present the projects and receive public input. Under the SPLOST statute, the County government is required to call a meeting of the chief elected officials of each government in the County to receive a list of proposed projects. That meeting was scheduled for Monday, August 5, 2013 with a request for a completed list by Friday, August 9, 2013. The project list has been prepared and is consistent with the presentation in the Work Session with the exception of one change, and that is an increase in funding for the Public Safety Radio System. The City of Valdosta's project list spells out how the City's \$80,025,000 will be distributed among projects which is 53.35% of the proceeds. The City will also need to approve an Intergovernmental Agreement along with all the other governments and we will have that item on the Agenda for the August 22, 2013 Council Meeting. Larry Hanson recognized County Commission Chairman Bill Slaughter who was in attendance at the Council Meeting and noted that they have been meeting with local business leaders and community leaders this week about this issue. All the visits were well received and there appears to be a lot of support in the community for this. Larry Hanson recommended that Council approve the proposed SPLOST VII project list and allocation of funding for the SPLOST referendum in November.

A **MOTION** by Councilman Yost, seconded by Councilwoman White, was unanimously adopted (6-0) to approve the proposed SPLOST VII project list and allocation of funding for the SPLOST referendum in November.

Consideration of an appointment to the Keep Lowndes-Valdosta Beautiful Board.

Larry Hanson, City Manager, stated that the Keep Lowndes-Valdosta Beautiful (KLVB) Board has a member, Lawrence Mathews, who resigned recently due to work conflicts. His term will expire on June 30, 2014. This appointment was advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants applying for this position are Carl James Onyeka, Childcare Supervisor with Raintree Village, and Victoria D. Sanders, disabled student at Valdosta State University Student.

Mayor Pro Tem Payton asked for nominations to the Keep Lowndes-Valdosta Beautiful Board.

Councilman Vickers placed in consideration the name of Carl James Onyeka. There being no other nominations, Mayor Pro Tem Payton closed nominations. Carl James Onyeka was appointed to serve a term of three years on the Keep Lowndes-Valdosta Beautiful Board.

Consideration of an appointment to the Public Art Advisory Committee.

Larry Hanson, City Manager, stated that the Public Art Advisory Committee had a member, Gloria Boyette (LVAC Board Member), who recently resigned due to personal reasons. Ms. Boyette's term expired June 1, 2013. The LVAC Board voted to move Pam Scruggs (LVAC Member at Large) to Ms. Boyette's slot (LVAC Board Member) and Robin Fretti was appointed at the May 9, 2013 City Council Meeting to fill the LVAC Member at Large slot vacated by Pam Scruggs. Ms. Scruggs has expressed an interest in serving as the LVAC Board Member. Ms. Scruggs' application was the only one received for this appointment. This appointment was advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council.

Mayor Pro Tem Payton asked for nominations to the Public Art Advisory Committee.

Councilman Norton placed in consideration the name of Pam Scruggs. There being no other nominations, Mayor Pro Tem Payton closed nominations. Pam Scruggs was appointed to serve a term of three years on the Public Art Advisory Committee as the LVAC Board Member.

Consideration of an appointment to the Zoning Board of Appeals.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes Zoning Board of Appeals (ZBOA) has a member, Scott Orenstein, whose term will expire on October 11, 2013. Mr. Orenstein has expressed an interest in serving again. Mr. Orenstein's application was the only one received for this appointment. This appointment was advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council.

Mayor Pro Tem Payton asked for nominations to the Zoning Board of Appeals.

Councilman Carroll placed in consideration the name of Scott Orenstein. There being no other nominations, Mayor Pro Tem Payton closed nominations. Scott Orenstein was appointed to serve a term of three years on the Zoning Board of Appeals.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated the Valdosta-Lowndes County Building Inspections Department has recently received a Certificate of Achievement and it is fairly prestigious because it recognizes that every member of that Department is now International Code Council certified. This is very rare to have every Staff member and Inspector certified in International Code and this says a great deal about the caliber of people and services that we have.

Larry Hanson, City Manager, stated that he attended the Valdosta State University Convocation this week and Councilwoman White was there as well to hear Dr. William McKinney share his vision for the future of Valdosta State University. He was able to get the Board of Regents to waive out-of-state tuition for our neighbors in north Florida and we are hopeful that this will help the University continue to grow.

The Fry Street old water tank removal is scheduled to start on August 14, 2013 and the new tank is now up and working. This is a real asset to our community because it improves fire protection, water quality, and water pressure.

The Overpass Project on Hill Avenue is taking shape. It is not open for through traffic but you are able to see the changes from a side street.

The water tank work at Valdosta High School is almost complete and they are now ready to paint the tank and add the logo.

The Williams Street Project will begin next week and the Woodrow Wilson/Gornto Road Extension Project is really taking shape as the next phase of work begins.

Larry Hanson, City Manager, stated that school started this week and Valdosta State University starts next week so there will be more traffic and a little inconvenience while people become accustomed to traffic patterns. The City's Engineering Department has been out to check all of the signals, timing devices, and school flashers to make sure that they are all in working order, and the Public Works Department has been out ensuring that all of the right-of-ways have been cut.

COUNCIL COMMENTS

Councilman Wright inquired as to whether the City Marshals monitor convenience stores in terms of litter and trash. Larry Hanson, City Manager, stated that the City Marshals do monitor litter and have made some cases against convenience stores for littering. If there is a problem then we can ask the City Marshals to pay closer attention. Councilman Wright also inquired as to the language that would be on the SPLOST ballot. Larry Hanson stated that what Council has given will be the exact language on the ballot.

Councilman Yost thanked Mayor Gayle, County Commission Chairman Bill Slaughter, and Larry Hanson, City Manager, for their work on SPLOST and getting the word out.

Councilwoman White stated that it is not an easy task to try and balance new development and maintaining the character and values of what we already have. A lot of time and effort went into the Eager Road Project to ensure that it will have a successful end result and outcome. Everyone from the Councilman of that District, the Staff, the developers, and the citizens were all very fair, reasonable, and compromising.

CITIZENS TO BE HEARD

Bill Donaldson, 2575 Ponderosa Drive, stated that he was concerned that there are a lot of good things that go on here and there is a portion of our community that does not see or hear that. He keeps hearing about all the things the City is not doing but when he comes to the Council Meetings he sees just the opposite. He would like to get the word out better to make sure that people understand what is going on. The Southern Hospitality Group Workcamp is a good example. One of the homeowners stated that he loved that group better than he loved his kids and he does not hear that from people in the community. Also, when he first heard about the homeless people being moved they made it sound like Councilwoman White loaded them into a pickup truck and dumped them in a field; however, when he came down here and heard the true story it was not like that. Mr. Donaldson stated that Valdosta is a good community and his niece just moved here several weeks ago and she loves Valdosta. We need to find some way to get through to the black community because sometimes they think there are a bunch of evil white people running Valdosta and that is not true. We need to find some kind of way to correct that because it is not helping our City and we need to move past that. Mr. Donaldson stated that for him there are two kinds of people and that is good people and bad people and a little gray and that is what he looks for.

Carl Onyeka, 420 Connell Drive, Apt. 11-C, thanked the Mayor Pro Tem and Council for their consideration and appointment to the Keep Lowndes-Valdosta Beautiful Board. Mr. Onyeka stated that he will uphold the integrity of the Board and do his best to promote the values of the City.

ADJOURNMENT

Mayor Pro Tem Payton entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to adjourn the August 8, 2013 Meeting of the Valdosta City Council at 7:11 p.m. to meet again in Regular Session on Thursday, August 22, 2013.

City Clerk, City of Valdosta

Mayor, City of Valdosta