

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, MARCH 10, 2016  
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, Sandra Tooley, Robert Yost, and Vivian Miller-Cody. Mayor John Gayle was absent. The invocation was given by Councilman Ben Norton followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**EMPLOYEE OF THE MONTH AWARD**

Consideration of the March, 2016 Employee of the Month Award (Lt. Dwight Primrose and Sgt. Michael Niehanke, Fire Department, and Officer Stephen Findlay, Police Department).

Fire Chief Freddie Broome stated that Dwight Primrose began his employment with the Fire Department in October, 1990 and currently holds the position of Lieutenant. Michael Niehanke began his employment with the Fire Department in October, 2006 and currently holds the position of Sergeant. Stephen Findlay began his employment with the Police Department in June, 1987 and currently holds the position of DARE Officer. During the recent holiday season, Valdosta Fire Department Engine Company 4 responded to the local movie theater parking lot for a vehicle leaking gas. Once the vehicle’s owner arrived, he learned his vehicle would have to be towed and it would cost \$140. The owner became distraught knowing that he did not have an extra \$140 to have the vehicle towed. Lt. Primrose immediately calmed the citizen and offered to cover the bill as a gift. Once Lt. Primrose made the kind offer, the gentleman became emotional, began to cry, and insisted that was not necessary. While the two were talking, Sgt. Niehanke and Officer Findlay also offered money for the cause which the citizen agreed to. After seeing the generosity of Lt. Primrose, Sgt. Niehanke, and Officer Findlay, the driver of the tow truck company lowered the bill to \$75. The total bill was taken care of due to the kindness of these employees in a time of need. This is another great example demonstrating how the Fire and Police Departments go above and beyond to serve our community. For these reasons and many others, the Employee Relations Committee nominated Lt. Primrose, Sgt. Niehanke, and Officer Findlay as Employees of the Month.

**APPROVAL OF MINUTES**

The minutes of the February 25, 2016 Regular Meeting were approved by unanimous consent (6-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2016-5, AN ORDINANCE FOR A CONDITIONAL USE PERMIT (CUP) FOR A CEMETERY THAT IS SPLIT-ZONED RESIDENTIAL-PROFESSIONAL (R-P), SINGLE-FAMILY RESIDENTIAL (R-15), AND ENVIRONMENTAL RESOURCE (E-R)**

Consideration of an Ordinance to rezone three parcels totaling 9.18 acres from Planned Commercial Development (PCD) and Highway-Commercial (C-H) to Community-Commercial (C-C) as requested by Gusto Development, LLC (File No. VA-2016-03). The property is located at 4196 Bemiss Road. The Greater Lowndes Planning Commission reviewed this request at their February Regular Meeting and recommended approval (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that the Gusto Development, LLC is requesting to rezone three parcels totaling 9.18 acres from Planned Commercial Development (PCD) (8.49 acres) and Highway-Commercial (C-H) (0.69 acres) to Community-Commercial (C-C). The property is currently vacant and cleared, and located at 4196 Bemiss Road. This is at the northeast corner of Bemiss Road and Guest Road. The applicant is

proposing to develop this property as a full-service grocery store with drive-thru pharmacy, as well as a free-standing gas station with small convenience store on the northern end of the property. The applicant is also seeking to annex and rezone an adjacent small tract of land to the east as part of this overall development (File No. VA-2016-04 and VA-2016-05). The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C zoning. Back around 1995, this property was still in Lowndes County and it was first rezoned to Planned Development (P-D) based on a mixed commercial/office master plan. In 2004, this proposed master plan was altered to a different layout and the property was rezoned by Lowndes County again to P-D with a different design, but it was still never developed. In 2007, the property was annexed into the City to obtain City water/sewer services. At this point, the proposed master plan had changed to a more commercially-oriented design and so the property was given the City's comparable PCD Zoning at that time. Since 2007, the property was never developed and it was eventually foreclosed on and later sold. The applicant currently has the property under contract for purchase and is proposing an all-commercial conventional development (41,917 square foot grocery store with pharmacy, free-standing gas station). It is scheduled to commence later this Spring and be built all in one phase with a completion date of November, 2016. This is completely different than the 2007 approved master plan and it is, therefore, contrary to the PCD Zoning on this property. In 2009, the City implemented the new Land Development Regulations (LDR) which does not contain any provisions for a PCD Zoning District. Unless a proposed development closely follows the adopted 2007 master plan (as part of its grandfathered PCD Zoning), rezoning is required to another District that is recognized by the LDR. In this case, the applicant's development proposal is allowed as a permitted use in either C-C or C-H zoning. Because the NAC Character Area does not allow the more intensive C-H Zoning, C-C Zoning is being requested for the entire property (for consistency) and that is all that is needed. This intersection area of Bemiss/Guest Roads has always been planned for some form of commercial development. The trends for developing properties along this portion of Bemiss Road have been dominated by relatively light commercial uses. In addition to the NAC requirements for C-C, the proximity to the adjacent single-family neighborhood (Hamilton Pointe Subdivision) makes C-C Zoning all the more appropriate here. As new development, the Project will have to comply with all applicable current development standards including buffer yards, other landscaping, and stormwater management. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval. The Planning Commission reviewed this at their February 29, 2016 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote).

Ben Carroll, Chattanooga, Tennessee, spoke in favor of the request. Mr. Carroll stated that he represented Gusto Development, LLC and asked Council's consideration in approving the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2016-5, an Ordinance to rezone three parcels totaling 9.18 acres from Planned Commercial Development (PCD) and Highway-Commercial (C-H) to Community-Commercial (C-C) as requested by Gusto Development, LLC, the complete text of which will be found in Ordinance Book XIII.

**ORDINANCE NO. 2016-6, AN ORDINANCE TO REZONE 0.645 ACRES FROM PLANNED DEVELOPMENT (P-D, COUNTY) TO COMMUNITY-COMMERCIAL (C-C, CITY)**

Consideration of an Ordinance to rezone 0.645 acres from Planned Development (P-D, County) to Community-Commercial (C-C, City) as requested by Gusto Development, LLC (File No. VA-2016-04). The property is located along the north side of Guest Road, about 200 feet west of Hanover Lane. The Greater Lowndes Planning Commission reviewed this request at their February Regular Meeting and recommended approval (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Gusto Development, LLC is requesting to rezone 0.645 acres from Planned Development (P-D)(County) to Community- Commercial (C-C)(City). The property is currently vacant and cleared, and located along the north side of Guest Road, about 200 feet west of Hanover Lane. This property is also being proposed for annexation (File No. VA-2016-05). Both of these requests are associated with the proposed development described in the previous agenda item for rezoning (File No. VA-2016-03). The background and history of this property is depicted in the previous Agenda Item. The property is

located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C Zoning. The applicants are purchasing several contiguous parcels as part of their overall development plan. This is the one parcel that is not already in the City Limits, and hence the separate annexation/rezoning requests for this one. It is also the only parcel that will not be developed or redeveloped with buildings or a parking lot, but rather will be used solely for drainage facilities and open space. After annexation, all of the parcels will be combined together into one tract of land. The applicant’s development proposal is allowed as a permitted use in either C-C or C-H Zoning. Because the NAC Character Area does not allow the more intensive C-H Zoning, the less intensive C-C Zoning is being requested for the entire property (for consistency) and that is all that is needed. All of the same discussions and rationale for supporting the previous rezoning case are applicable here as well. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval. The Planning Commission reviewed this at their February 29, 2016 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2016-6, an Ordinance to rezone 0.645 acres from Planned Development (P-D, County) to Community-Commercial (C-C, City) as requested by Gusto Development, LLC , the complete text of which will be found in Ordinance Book XIII.

**ORDINANCE NO. 2016-7, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4**

Consideration of an Ordinance to annex 0.645 acres into the City of Valdosta as requested by Gusto Development, LLC (File No. VA-2016-05). The property is located along the north side of Guest Road, about 200 feet west of Hanover Lane. The Greater Lowndes Planning Commission reviewed this request at their February Regular Meeting and recommended approval (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Gusto Development, LLC is requesting to annex 0.645 acres into the City of Valdosta. In the County, the property is currently zoned Planned Development (P-D) and the applicant is requesting Community-Commercial (C-C) zoning upon annexation into the City. The property is located along the north side of Guest Road, about 200 feet west of Hanover Lane. The applicant is proposing to annex this property to be part of the proposed commercial development that is the subject of the rezoning request File No. VA-2016-03. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan, and this will remain the same after annexation. The applicants are purchasing several contiguous parcels as part of their overall commercial development plan. This is the one parcel that is not already in the City Limits, and hence the separate annexation/rezoning requests for this one. It is also the only parcel that will not be developed or redeveloped with buildings or a parking lot, but rather will be used solely for drainage facilities and open space. After annexation, all of the parcels will be combined together into one tract of land. Notification of this proposed annexation has been officially given to Lowndes County in accordance with State law, and currently there have been no objections raised against this annexation. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval. The Planning Commission reviewed this at their February 29, 2016 meeting, found it consistent with the Comprehensive Plan and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Ordinance No. 2016-7, an Ordinance to annex 0.645 acres into the City of Valdosta as requested by Gusto Development, LLC, the complete text of which will be found in Ordinance Book XIII.

Consideration of a request to approve a Statewide Mutual Aid Agreement.

Larry Hanson, City Manager, stated that in 2012, Ashley Tye, Lowndes County Emergency Management Director, presented the City of Valdosta with a copy of a Statewide Mutual Aid Agreement which was subsequently approved by the City Council and signed by the Mayor. The primary purpose of this Agreement is to provide a framework to allow an assisting party to receive reimbursement in the event of a Federally Declared Disaster. That Agreement expired on March 1, 2016. The Georgia Emergency Management Agency (GEMA) forwarded an updated Agreement to Mr. Tye which was received on March 3, 2016. It is basically the same Agreement that was signed four years ago with the exception of a few wording changes to clean up the document without changing any substantive content. The only significant change is the addition of two Appendices for the City to designate the individual(s) who may request resources on behalf of the City of Valdosta as well as the Fiscal Agents. The Fiscal Agents are those individuals authorized to make purchases and/or agree to pay out reimbursements or other expenses associated with a request for assistance. This would most likely be the City's Finance Director, Purchasing Agent, and/or the City Manager. With regards to the designation of individuals who may request resources, GEMA has recommended that the City consider including Mr. Tye as one of those designated officials. The City does not have to do that and it will not affect the City's ability to call on Mr. Tye to request assistance; however, it might be beneficial down the road for documentation and reimbursement purposes. Regardless of whether Mr. Tye is listed on this Agreement, he can and will always provide whatever assistance needed to help locate any additional resources that the City may need. Designating Mr. Tye would simply be a benefit in a reimbursement situation if it is documented that the EMA Director was specifically designated to request resources on behalf of the City. Most mutual aid requests are completed with no reimbursement and are simply "neighbors helping neighbors." However, if the City was to get into a situation in which we received a Federal Declaration then we would be able to recover the costs of the labor and materials for any outside resources that assisted us and likewise they could do the same for us. In that instance it would only make sense that we would provide them reimbursement for their time and expenses and submit that to FEMA as an eligible disaster related expense. Without this Agreement in place for formalizing the assistance process, we would not be eligible for that reimbursement. The resource request process has not changed so if local resources are overwhelmed and outside assistance is needed those requests should still flow through the EOC and the local EMA Director. There are a couple of main reasons for this. First, if someone calls directly to GEMA and requests assistance, they are going to take the information and turn around and call the EMA Director to verify that the request is valid and to make us aware of it. This will cause a delay in the resources being sent so it speeds the process up by going through EMA. Another big reason is that there have been countless instances where someone requested a resource on their own without knowing that the EMA Director had access to resources that were available much closer and could have had them here in a lot less time. Though there has ever been an issue with the Lowndes County EMA, this is just a reminder that EMA has a specific role in the resource management process and by following that process they can work together with the City in the most effective manner and be of the most service to the City and City Staff. Larry Hanson recommended that Council approve the Statewide Mutual Aid Agreement and designate the City Manager, or his designee, as one of the officials who can request resources. Councilwoman Tooley inquired as to whether Ashley Tye would be on the City's payroll if he was one of the designees. Larry Hanson stated that he would not be on payroll but he would represent all the governments of Lowndes County. Mr. Tye can only request resources and he is not a fiscal agent of the City.

**A MOTION** by Councilwoman Tooley, seconded by Councilman Yost, was unanimously adopted (6-0) to approve the Statewide Mutual Aid Agreement and designate the City Manager, or his designee, as one of the officials who can request resources.

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

Larry Hanson, City Manager, stated that the Georgia Municipal Association's newsletter front page story is about the City of Valdosta and the Southern Hospitality Group Workcamp Program. The young people who participate in the Group Workcamp Program come into our community to help with housing issues and it is great that GMA is recognizing them.

The Azalea Festival is March 12-13, 2016 and the City will have a booth set up in order to provide information to citizens and answer any questions.

Residents have been informed about the changes in the sanitation schedule through press releases, posting it on the City's website, radio and television coverage, social media, and stickers have been placed on every trash can in the City. This new schedule will go into effect next week.

The City is looking at some additional parking in the Downtown area and there will be a Public Meeting on March 15, 2016 at 5:00 p.m. at the City Hall Annex Building in order to provide an opportunity for those citizens who are interested to share their thoughts and have a discussion about different locations.

The City Government 101 class will begin on April 4, 2016 and it is currently 50% full. Citizens are encouraged to sign up for the class so that they can learn about the many services the City provides.

The City Beat newsletter is complete and will be sent out tomorrow. There are articles about the City's Click and Fix Program, the new sanitation service schedule, celebrating our 30<sup>th</sup> year as a Tree City USA, tree pruning class, and Bulk Trash Amnesty Day. We are also trying to provide public information to educate citizens about taking care of their yards and property so that we can keep our City beautiful.

We are now at one month with the City's new website. In the first month through March 9<sup>th</sup>, we have had 31,000 sessions and over 55% of those are new people. We have 111,000 page views so the average person who is going on the web site is looking at 3.5 pages and 64% of them are not bouncing from our site. They are there to get information and they are staying there three times longer than average for a website. We also have links to our social media on the Public Information page and during that 30-day period, our Twitter posts have reached 8,400 views and the Facebook posts have reached over 9,000 views. We are doing a lot in connecting with people and the new website is being very well received.

## **COUNCIL COMMENTS**

Councilman Carroll stated that Richard Hardy, Public Works Director, did a great job on the radio this morning.

Councilman Yost stated that he went on the website the other day and found exactly what he needed. The website is very user friendly and everyone who worked on it did a great job. Councilman Yost also thanked Councilman Carroll and Councilwoman Tooley for serving on the Sign Ordinance Committee. They met for several months with Matt Martin, Planning & Zoning Administrator, and his Staff and the meetings have been very fruitful. They will be presenting items at the Mayor/Council Retreat next week and there will be very few changes.

Councilwoman Tooley stated that the website is wonderful and it is easy to use. Councilwoman Tooley commended everyone who worked on it.

Councilman Vickers inquired as to whether the City Manager had any information that he could share on the proposed Downtown Hotel Project. Larry Hanson, City Manager, stated that everything is coming along very timely. The property across the street had to be acquired by the Developer because he will have to build a new Customer Service Center. It is not uncommon to have a Phase I Environmental Study done on the property because it was once an automotive garage as well as some other uses. In the Phase I Study there were a couple of things that were identified which required a Phase II Study. The Phase II Environmental Study was completed last week and there was nothing significant found. They will now proceed with closing on the property. The plans for the Customer Service Center have also been given to the Developer for review. Councilman Vickers stated that he would like to review the plans for the new Customer Service Center.

## **CITIZENS TO BE HEARD**

Quinton Sims, 200 East Mary Street, stated that he is a student at Valdosta State University (VSU) and wanted to get the opinion of the Mayor and Council about the incident that happened at the Donald Trump Rally held at the Valdosta State University Physical Education Complex recently. The media decided to release different statements from Police Chief Brian Childress who was not inside at the time and also from Interim VSU President Cecil Staton. Mr. Sims inquired as to what actions they could take in order to keep everything civil and take everything in a democratic standpoint since they are students and their civil rights were violated. Larry Hanson,

City Manager, stated that as the Mayor stated in his comments, the Council does not engage in conversation. They have brought the matter before Council but if they are asking for legal advice that is not something the City would provide or suggest to you. The students would need to get that advice themselves. This was an event on the Valdosta State University campus and it was not an event of the City of Valdosta so we would not be able to advise the students as to what they should do. Mr. Sims stated that it was a private event although it was on the campus. The campus was rented by Mr. Trump's Committee so it does constitute that it took place in Valdosta, Georgia and that is why they brought it here. George Talley, City Attorney, stated that this was purely a legal question and the City does not give free legal advice and is prohibited from giving you as an individual advice. Mr. Sims thanked the Council for the opportunity.

**ADJOURNMENT**

Mayor Pro Tem Payton entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the March 10, 2016 Meeting of the Valdosta City Council at 6:03 p.m. to meet again in Regular Session on Thursday, March 24, 2016.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta