

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, DECEMBER 10, 2015
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Gayle 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, Alvin Payton, Jr., Sandra Tooley, Robert Yost, and James Wright. Tim Tanner, Attorney with Coleman Talley, LLP, filled in for George Talley, City Attorney, who was absent. The invocation was given by Brian Sayre, Head Chaplain of South Georgia Medical Center, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

Presentation of the 2015 Greater Valdosta Christmas Parade Awards.

Mayor Gayle stated that the 2015 Greater Valdosta Community Christmas Parade was held on Saturday, December 5, 2015. Sponsors for the event were the Ossipe Temple #65, the Valdosta Daily Times, Wild Adventures, and the City of Valdosta. Mayor Gayle and members of Ossipe Temple #65 presented the following Christmas Parade Awards: Third Place – Lowe’s, Second Place – Girl Scout Troop 40514, and First Place – New Missionary Baptist Church. The proceeds raised by Ossipe Temple #65 through parade entry fees were donated to various charities.

EMPLOYEE OF THE MONTH AWARD

Consideration of the December, 2015 Employee of the Month Award (Sheila Williams, Police Department).

Commander Eugene Bell stated that Sheila Williams began her employment with the City of Valdosta Police Department in July, 2014 as a Desk Clerk and was recently promoted to the position of Evidence Custodian. As an Evidence Custodian, Sheila is responsible for providing assistance and support to the Police Department in the prosecution of criminal cases by maintaining evidence and transporting evidence to laboratories for testing, as well as the courtroom. Sheila is also tasked with maintaining the organization of the property/evidence room. Before Sheila’s recent promotion, she worked as a Desk Clerk Floater for the Support Division. As an outstanding multi-tasker, Sheila was able to answer telephones, greet citizens at the front desk window, accept payment of fines and bonds and interact with Clerks and Police Officers via radio all without skipping a beat. Sheila also published weekly reminders for the Desk and Records Clerks concerning operations at the front desk and proper procedures to be followed working in that area. In addition, Sheila successfully trained new Desk Clerks from their first day of employment to the point they were released to handle their own shift. Steve Jobs once said, “The only way to do great work is to love what you do.” Sheila’s great work ethic shows she does love her job. For these reasons and many others, the Employee Relations Committee nominated Sheila Williams as Employee of the Month.

SPECIAL PRESENTATION FOR JAMES WRIGHT, OUTGOING CITY COUNCILMAN FOR DISTRICT 1

Special Presentation for James Wright, outgoing City Councilman for District 1.

Mayor John Gayle stated that Councilman James Wright has served 12 years on the City Council and took office in January, 2004. He was re-elected in January, 2008 and January, 2012. During Councilman Wright’s three terms in office he has contributed enormously to the growth in his District. Economic development, capital improvement, and infrastructure have all grown during his term. He introduced the proposal for Federal funds for the creation of jobs and training which was adopted by the Mayor and Council. Mayor Gayle stated that he has seen Councilman Wright fight for the City and he has admired his spirit. Councilman Wright has worked diligently for the realignment of the Clay Road Project which is slated to begin very soon. He was a champion for the signs that say, “Make Valdosta Glitter, Don’t Litter.” He has also been a strong supporter of the Police Department and

the Fire Department. Mayor Gayle stated that he knew Councilman Wright would not quit and would continue to work for his District and the City of Valdosta and presented him with mementos of his tenure on the City Council.

Councilman Wright thanked everyone for their support and stated that he has learned a lot and grown a lot during his time on the Council. The most important thing that he has learned is that in his weakness Christ made his life stronger and he truly appreciated the opportunity to serve the citizens of Valdosta.

APPROVAL OF MINUTES

The minutes of the November 19, 2015 Regular Meeting were approved by unanimous consent (7-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2015-30, AN ORDINANCE FOR A CONDITIONAL USE PERMIT (CUP) TO ESTABLISH A FUNERAL HOME RELATED FACILITY IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit (CUP) to establish a Funeral Home related facility in a Residential-Professional (R-P) Zoning District as requested by Britt McLane (File No. CU-2015-05). The property is located at 108 West Park Avenue. The Greater Lowndes Planning Commission reviewed this request at their November regular meeting and recommended approval with five conditions (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Britt McLane, on behalf of Carson McLane, Inc., is requesting a Conditional Use Permit (CUP) for a Funeral Home related facility in a Residential-Professional (R-P) Zoning District. The property consists of 0.93 acres and is located at 108 West Park Avenue which is along the north side of the road, approximately 200 feet west of North Patterson Street. The property contains a two-story building which is currently vacant and was previously used as a residence and a special event space (unlicensed) called "Park Place." As the new owner, the applicant is proposing to renovate the building and use portions of it as a "reception center" for families and friends after a funeral service. The applicant is also proposing to use portions of the building as Funeral Home Staff offices and meeting room, and potentially a caretaker's quarters on the 2nd floor. As part of the redevelopment, the applicant is proposing to upgrade the existing driveway from West Park Avenue. The applicant is also proposing to install a small paved parking lot (ten spaces, angled parking) along the east side of the property, with a small grassed parking area in the rear yard for overflow parking. A new access driveway is proposed to connect these parking facilities to the existing parking lot east of the subject property (parcel owned by Carson McLane). The applicant is also proposing to utilize shared parking agreements with nearby properties to augment the parking needs when the Funeral Home is having receptions on the premises. No changes are being proposed to the existing building other than replacing the rear porch/patio, installing a handicap accessibility ramp on the rear side of the house, and performing minor repairs/renovations. The property is located within a Transitional Neighborhood (TN) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within both the local Historic District and also the Brookwood North National Register Historic District. The applicant is proposing to maintain the overall historic character of the property. The proposed site improvements (parking, driveways, and walkways) and the installation of the handicap ramp and new rear porch/patio will require approval from the Historic Preservation Commission (HPC). These items are scheduled to be heard by the HPC on December 7, 2015. This is a proposed expansion of the Carson McLane Funeral Home facility in terms of its use and ownership. It is adjacent to two parcels owned by the Funeral Home at 2210 and 2212 North Patterson Street (office, residence), but it is not adjacent to the main facility across the street. The building is a 2-story historic residence (3,930 square feet total) with a typical dwelling unit floor plan. The first floor (2,316 square feet) is the only one that is conducive for receptions, and it is divided into several rooms of varying size which makes it versatile in accommodating different size family groups. The existing residential kitchen will be used as a staging area for catering purposes if needed. Other rooms may be used for staff offices and meeting space, and possibly a caretaker's quarters. Just like the main Funeral Home building or others of similar nature, the minimum parking requirement is determined by the size of the largest assembly room. For this building because of the small room sizes, the minimum parking requirement is only five spaces; however, as a

practical measure, more parking will be needed to adequately accommodate the main traffic generator for this building (receptions). The applicant's proposed parking area (ten spaces plus grassed overflow parking in the rear) will likely satisfy the demand for many of the planned receptions; however, the parking driveway will be one-way inbound, exiting only through the existing Funeral Home office properties along North Patterson Street where there is additional parking available. The applicant has obtained shared parking agreements with several of the other adjacent and nearby properties, and there are the parking lots at the main Funeral Home facility. In total there are more than 100 additional parking spaces available for this property which is far more than sufficient than would ever be needed by the proposed usage so parking is not an issue. The Comprehensive Plan's Transitional Neighborhood character area calls for re-investments and appropriate infill development/redevelopment in these transitioning areas. The applicant's proposal is to preserve an existing historic building and adaptively reuse it in a manner that upgrades the entire property. In terms of potential impacts to adjacent uses, particularly the existing single-family homes along portions of the western and northern borders, the entire side and rear perimeters of the property are extremely well-buffered with dense vegetation. The applicant is proposing to keep this in place. All of the surrounding properties are zoned R-P and the existing land use pattern of the area is a mixture of offices, institutional, and residential development. Using this property for funeral home related purposes and small gatherings of people, while maintaining the existing building with its historic character, is very compatible with these surrounding patterns. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following conditions: (1) Conditional Use approval shall be granted for a Funeral Home related facility in R-P zoning to be owned and operated by the applicant only. Receptions and gatherings of people shall only take place on the first floor of the existing building with its adjacent grounds. There shall be no cremation facilities nor the conduct of any regular funeral service on the subject property. (2) The building shall generally maintain its historic residential appearance in compliance with the City's Historic District Design Guidelines. Permitted non-incident sign shall be limited to one freestanding sign not to exceed 6 feet in height and 24 square feet in area. (3) Parking for the facility shall include both paved and unpaved onsite parking spaces as depicted on the submitted site plan, and also at least 25 offsite parking spaces through shared parking agreements with nearby properties. (4) Vegetation along the side and rear property lines shall be maintained in a dense manner so as to provide an effective vegetative buffer to adjacent properties. Any outdoor lighting in the side or rear yards shall be shielded and directed away from adjacent residential properties. (5) Conditional Use approval shall expire after three years from the date of approval if the facility is not operating by that date. The Planning Commission reviewed this at their November 30, 2015 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval, subject to the same 5 conditions as recommended by Staff (8-0 vote). At the Work Session on Tuesday there was discussion about Condition (3) and it was suggested that no on-street parking along West Park Avenue be added to the Condition.

Britt McLane, 4708 San Saba Drive, Hahira, spoke in favor of the request. Mr. McLane stated that they would like to purchase the house and help to maintain it in order to enhance the service they offer to families who may not have a place to have a meal or reception together. It will also help maintain the neighborhood as well. Mr. McLane asked for Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Yost, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Ordinance No. 2015-30, an Ordinance for a Conditional Use Permit (CUP) to establish a Funeral Home related facility in a Residential-Professional (R-P) Zoning District as requested by Britt McLane with the five conditions recommended by Staff and that Condition (3) be changed to add that there shall be no on-street parking along West Park Avenue, the complete text of which will be found in Ordinance Book XIII.

ORDINANCE NO. 2015-31, AN ORDINANCE FOR A CONDITIONAL USE PERMIT (CUP) FOR A RADIO BROADCASTING STUDIO, TELECOMMUNICATIONS TOWER/ANTENNA, MEETING FACILITY, AND OFFICES FOR A PROFESSIONAL ORGANIZATION IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit (CUP) for a radio broadcasting studio, telecommunications tower/antenna, and a meeting facility and offices for a Professional Organization in a Residential-Professional (R-P) Zoning District as requested by Snake Nation Press, Inc. (File No. CU-2015-06).

The property is located at 110 West Force Street. The Greater Lowndes Planning Commission reviewed this request at their November regular meeting and recommended approval with four conditions (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Snake Nation Press, Inc. is requesting a Conditional Use Permit (CUP) for the following three uses in an R-P Zoning District: (1) radio broadcasting studio, (2) telecommunications tower/antenna, and (3) meeting facility and offices for a Professional Organization. The property consists of 0.35 acres located at 110 West Force Street which is at the northeast corner of West Force Street and North Toombs Street. The property contains an existing single-family residence. The applicant is proposing to renovate the building to include a small radio broadcasting studio in the rear portion of the building, install a 59' antenna in the rear yard for a low-wattage FM radio station with a three mile broadcast range, and utilize the front rooms of the existing building as meeting and office space for Snake Nation Press which is a local literary organization. The applicant is proposing to retain several rooms of the house for continued use as a private residence. As part of this redevelopment, the applicant is also proposing to install a small parking lot in the rear yard as well as a handicap ramp. The property is located within a Transitional Neighborhood (TN) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within the local Historic District. The Historic Preservation Commission (HPC) has already approved the proposed 59' tower; however, the other site improvements (handicap ramp and parking lot) have not yet received HPC approval. The applicant is also seeking a Variance from LDR Section 218-23(J) as it pertains to telecommunications tower setback distances (File No. APP-2015-09) and these were approved by the Zoning Board of Appeals (ZBOA) on December 1, 2015. Overall, given the specific circumstances of the property and each of these proposed uses requiring CUP approval, Staff is supportive and recommended approval with appropriate conditions. This area is generally part of mixed land use pattern consisting primarily of single-family and multi-family residential uses, but also professional offices and even some commercial uses nearby. All of these uses are in the context of being within an older historic neighborhood setting. The applicant is proposing to preserve the existing residential building and only use part of its interior for these non-residential uses. Other than installation of a very small parking area that is mostly hidden in the rear portion of the yard, a partially visible small tower in the rear yard, and some much-needed renovation work on the entire outside, there will be very little change to the property. For the Radio Broadcasting Studio, it will only take up less than 300 square feet of the existing building and will be staffed only part of the time. It is estimated that staffing will consist of one to three persons, plus maybe the resident curator. Approval of this CUP item should be limited to the studio as proposed by the applicant, so that it cannot transfer to a larger and potentially more commercial studio in the future without being reviewed again by the City. For the Telecommunications Tower, this is a low-wattage FM station with a very limited broadcast range. The tower will only be 59' tall and it will be narrow in size. It will be largely obscured by the existing 35' tall building and the existing mature tree canopy of the property and the surrounding area. It will only be barely noticeable from a few blocks away if there is a clear path of sight over other buildings and trees. A much taller or larger tower would be more noticeable. In terms of height and size, this will be much like an Amateur Radio tower that is often found on residential properties (up to 50' tall) and does not require a CUP approval. Approval of this CUP item should be limited to a maximum total height of approximately 60' so that any greater height proposed in the future for this location would be reviewed again by the City and after the visual impacts of a 59' tower can be more accurately assessed as a point of reference. For the Professional Organization, approximately half (1,200 square feet) of the existing building would be used as media library and meeting spaces for Snake Nation Press. Unlike some Professional Organizations, this one is relatively small with only a handful of attendees typically coming to this facility on some days. With the addition of a small parking area in the rear of the site, this use of the property will also be barely noticeable. Approval of this CUP item should stipulate the number of minimum required parking for the site and be placed in the name of the applicant only so that any future (and probably much larger) Professional Organizations wanting to use this facility would need to be reviewed again by the City. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria and recommended approval subject to the following conditions: (1) Conditional Use approval shall be granted for a Radio Broadcasting Studio in R-P Zoning for a low-wattage (100 watt) radio station as approved by the FCC. (2) Conditional Use approval shall be granted for a Telecommunications Tower and Antenna in R-P zoning that does not exceed 60' in height above ground, that is freestanding without guy wires, and is located immediately behind the existing building. (3) Conditional Use approval shall be granted for a Professional Organization office space and meeting facility in R-P zoning and in the name of the applicant only. Approval shall be based on the submitted site plan which includes at least five paved parking spaces in the rear of the site, plus maintaining an approved residential driveway from West Force Street for resident curator parking. (4) These Conditional Use approvals shall expire after five years from the date of City Council approval if no building permit (for the tower) and no business license for Snake Nation Press

and its radio station is requested by that date. The Planning Commission reviewed this at their November 30, 2015 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the same four conditions as recommended by Staff (8-0 vote). Matt Martin stated that there has been discussion about some of the Conditions which could be edited if necessary.

Councilman Carroll stated that he had reviewed the information on the antenna and if the situation arises where the applicant should close the business and they go for one year without the use of the antenna, then he would like to amend Condition (2) to reflect that the antenna be taken down. Mayor Gayle stated that they would allow that to be included in the motion.

Paul Arambula, volunteer with Snake Nation Press, 110 West Force Street, spoke in favor of the request. Mr. Arambula stated that approximately two years ago they made application with the Federal Communications Commission to obtain a license to operate the station. They were notified this past year in June that they had been accepted and could broadcast. It is a very low power station (only 100 watts) and the tower is barely as tall as the old growth pine tree on the back portion of the property. They also agree with the amended Condition (2). Snake Nation Press has been using this location for almost 30 years since 1989 when Roberta George first started Snake Nation Press. They have been good neighbors and they want to be a positive influence on all processes in cultural and political aspects in Valdosta. Mr. Arambula asked for Council's consideration in approving the request.

Roberta George, Snake Nation Press, 110 West Force Street, spoke in favor of the request. Ms. George stated that Snake Nation Press has been around for a long time and they partner with the Turner Center for the Arts, Valdosta State University, and Wiregrass Technical College. They present programs that are totally free of charge and they recently received a grant from the Georgia Council for the Arts. They are bringing in a Book Fair in the spring and they want to have a voice for literature and the Arts and to make Valdosta the City that it is already growing to be.

No one spoke in opposition to the request.

A MOTION was made by Councilwoman Tooley to approve the request for a Conditional Use Permit (CUP) for a radio broadcasting studio, telecommunications tower/antenna, a meeting facility and offices for a Professional Organization in a Residential-Professional (R-P) Zoning District as requested by Snake Nation Press, Inc. with the four conditions and the new verbiage for Condition No. 2 as stated by Councilman Carroll. Councilman Norton seconded the motion. Tim Tanner, Attorney, asked that the Condition No. 2 be stated for the record. Councilman Carroll stated that Condition No. 2 will be amended and include that if the radio station ceases to operate on the subject property for more than one year, then the telecommunications tower and antenna shall be removed within 30 days from date of notification by the City. Tim Tanner, Attorney, asked Councilwoman Tooley if that accurately reflected her motion. Councilwoman Tooley stated that was correct. The motion unanimously adopted (7-0) to enact Ordinance No. 2015-31, the complete text of which will be found in Ordinance Book XIII.

AN ORDINANCE FOR A CONDITIONAL USE PERMIT (CUP) FOR A CHURCH ACCESSORY USE IN THE FORM OF A FOOD BANK MINISTRY IN A SINGLE-FAMILY RESIDENTIAL (R-10) ZONING DISTRICT TABLED

Consideration of an Ordinance for a Conditional Use Permit (CUP) for a church accessory use in the form of a "food bank ministry" in a Single-Family Residential (R-10) Zoning District as requested by Azalea City Church of God (File No. CU-2015-07). The property is located at 1503 and 1505 River Street. The Greater Lowndes Planning Commission reviewed this request at their November regular meeting and recommended approval (8-0 Vote).

Mayor Gayle stated that the Azalea City Church of God sent a letter this afternoon asking that the request be tabled for one month until the first Council Meeting in January, 2016.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to table the request for a Conditional Use Permit (CUP) for a church accessory use in the form of a "food bank ministry" in a Single-Family Residential (R-10) Zoning District as requested by Azalea City Church of God for one month until the January 7, 2016 City Council Meeting.

Consideration of an Ordinance to rezone 4.15 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) as requested by Richard Bonner (File No. VA-2015-15). The property is located at 1520 Hickory Road. The Greater Lowndes Planning Commission reviewed this request at their November regular meeting and recommended approval (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Richard Bonner is requesting to rezone 4.15 acres from Single-Family Residential (R-10) to Community-Commercial (C-C). The property is located at 1520 Hickory Road which is at the northwest corner of Hickory Road and North St Augustine Road. The property currently contains a single-family residence and mobile home, and the applicant is proposing to sell the property for redevelopment as a 3-story hotel with 113 rooms along with a commercial out-parcel to be marketed for a future restaurant. The property is now located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C Zoning. This property is part of the Character Area amendment request that was approved October 8, 2015 (File No. VA-2015-14 – formerly a Transitional Neighborhood). As described in the report for the recent Character Area amendment, all of the properties fronting North St. Augustine Road have been re-developed as commercial uses over the past 20 years. The property is the only remaining parcel that has frontage along this four-lane highway but it is not zoned Commercial. The existing R-10 Zoning is no longer practical for this area, and it is not compliant with the recently-approved Character change to Community Activity Center. Even though all of the nearby commercial properties are zoned C-H, most of them contain C-C type uses. The C-C Zoning allows hotels as well as restaurants and all forms of retail sales and services, and it will also help protect the existing single-family uses that still remain adjacent and across Hickory Road from the more intensive uses otherwise allowed in C-H. 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 November 30, 2015 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-0 Vote).

Mike Williams, Williams Investment Company, 4611 Ridgeview Circle, spoke in favor of the request. Mr. Williams stated that the hotel will be a Candlewood and they have a contract on the property to purchase it subject to the zoning. The construction cost will be extremely expensive. Candlewood is a mid-tier extended stay product and is licensed through IHG which is Holiday Inn, Stay Bridge, Holiday Inn Express, and several other brands. The estimated construction cost is \$6.5 million to \$7.0 million. They would also like to place a restaurant on the front portion of the parcel which would complement the business in the rear. Mr. Williams asked for 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 (7-0) to enact Ordinance No. 2015-32, an Ordinance to rezone 4.15 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) as requested by Richard Bonner, the complete text of which will be found in Ordinance Book XIII.

ORDINANCE NO. 2015-33, AN ORDINANCE TO AMEND APPROVAL CONDITION NO. 9 (EXPIRATION DATE) CONTAINED IN THE 2012 ORIGINAL PLANNED DEVELOPMENT APPROVAL

Consideration of an Ordinance to amend Approval Condition No. 9 (expiration date) contained in the 2012 original Planned Development Approval (File No. VA-2012-14) as requested by McAlister Development (File No. VA-2015-16). The property is located at the southeast corner of North Oak Street and West Brookwood Drive. The Greater Lowndes Planning Commission reviewed this request at their November regular meeting and recommended approval (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that McAlister Development is requesting to amend Approval Condition No. 9 (expiration date) contained in the 2012 original Planned Development approval (File No. VA-2012-14). This property consists of 3.78 acres located at the southeast corner of North Oak Street and West Brookwood Drive which is across the street from Valdosta State University (VSU) Whitehead Auditorium. Per the

Condition, the Planned Development approval will automatically expire on February 4, 2016 as a deadline to commence development, and a deadline of February 4, 2018 to complete the development. The applicant is proposing to extend the commencement deadline by two more years and to extend the completion deadline by three more years for the new expiration dates. No other changes to the Planned Development are being proposed. The property is located within an Institutional Activity Center (IAC) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within the local Historic District as well as the City's Neighborhood Revitalization Area (NRA). The Historic Preservation Commission (HPC) has already approved the Planned Development in early 2013 and this too will need to be renewed before the applicant completes their plan review process and commences development. In brief, the approved development consists of one, four-story mixed-use building that will contain 216 rental dwelling units of varying sizes (439 total bedrooms), up to 15,000 square feet of commercial space, and a 6-level parking deck that is nested in the center of the complex. Since the original approval, nothing has really changed about the proposed development and all of the rationale associated with the Planned Development review criteria and conditions of approval. The applicant has now purchased all of the properties and this very large development is simply in a holding pattern due to the recent economic down-turn. The applicant states they still fully intend to construct the development but would like more time in order to get the process started and the development completed. Staff found the request consistent again with the Comprehensive Plan and the Planned Development Review Criteria, and recommended new approval subject to the original conditions of approval with exception of No. 9 (expiration dates) which shall instead read as follows: (9) The development shall commence (request for permits) by February 4 2018, and shall be completed by February 4, 2021. Otherwise, Planned Development approval shall automatically expire. The Planning Commission reviewed this at their November 30, 2015 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval subject to the original conditions of approval with exception of No. 9 which shall read as follows (8-0 Vote): Condition (9) The development shall commence (request for permits) by February 4, 2018, and shall be completed by February 4, 2021. Otherwise, Planned Development approval shall automatically expire.

Bill Nijem, Attorney, 1007 North Patterson Street, spoke in favor of the request. Mr. Nijem stated that he represented McAlister Development and they are getting close to the expiration date (February 4, 2016) for commencement of the Project as stated in the original Condition No. 9. Timing for this student housing development is very important. There will be 216 units with some commercial businesses on the bottom floor. It is directly tied to Valdosta State University and the student enrollment has gone down. There were also some administration changes and the timing has not been right for this \$30 million Project. McAlister Development is committed to the Project and they have expended considerable funds to acquire the properties which took approximately six months. There were some questions about the upkeep of the property and there was some miscommunication with the person who was doing that; however, there have been no formal citations issued. Mr. Nijem asked Council's consideration in approving the request. Councilman Norton inquired about the timeframe for this Project from start to finish. Mr. Nijem stated that he would have Mills Buxton provide that information.

Mills Buxton, McAlister Development, 1444 Simmons Street, Charleston, South Carolina, spoke in favor of the request. Mr. Buxton stated that from start to finish, this will be a 16 to 18 month build for a Project this size. They will typically track back from the August 18th completion date. It is a fully furnished Project and they hope to open in time to have students in place for a Fall Semester. Mr. Buxton stated that they do have a local landscaper, Clay Spivey, who has been working on the property and unfortunately he did not understand what their expectations were and what the City's expectations were in regard to landscape and maintenance of the property. They have addressed that issue and there have been some significant improvements. They do not anticipate having that problem again; however, if they do, they will be making an abrupt change in who is handling the property. They would like to maintain it as if they lived next door to it and be good neighbors and corporate citizens in the City. Councilwoman Tooley inquired as to whether they have done any studies in the past three years to see how the student enrollment is progressing and what it will be like in the next three years. Mr. Buxton stated that since 2011 they have seen some downward trending in the student population. At Valdosta State University (VSU), the enrollment is down approximately 11% and they have seen a plateau there. There were also some top level administrative changes at VSU. They recently received some data that indicates there will be an upward trend in enrollment in the fall and it will be a top priority for them to meet with the interim President. They only do adjacent to campus student housing and they are still very keen on this market, the City of Valdosta, and VSU. Councilwoman Tooley inquired as to whether the enrollment numbers play a high priority in them deciding when they will start the Project. Mr. Buxton stated that when they study the market metrics and they go out to put the

Project together and get financing for the construction, the institutional investment community will want to see some stabilization there. Councilman Yost stated that he was in favor of the Project and he was concerned as to whether they would build this at all. It is a prime piece of property and it has not been kept up very well which has been addressed. He is concerned because most of the University is in his District and at one point they had a lot of college students living in rental properties in the neighborhoods. Now they have a lot of rental property available and this could be delayed even longer because of the available rental properties on the market right now. Councilman Yost inquired as to whether they could give any indicator that this would happen within the next three years or whether they would need to extend the date again. Mr. Buxton stated that there are some things they will have to sort out in the first quarter but some of the things they look to are enrollment trends and the rent growth in the market. There was some slight rent growth in the market this year over last year and everything is looking good. They need to pick up where the dialogue left off with the University a year ago. It is a Project that will ultimately move forward and they will know more in the first quarter of the year. He will also be glad to provide updates to the Mayor and Council over the next few months. Councilman Carroll stated that there are a number of stakeholders who also want to see the University grow and this was a fantastic Project in 2012 and it will be a fantastic Project in 2016 or 2017. Mayor Gayle stated that with the relaxing of the out-of-state tuition with Alabama, Florida, and South Carolina the applications for enrollment are already up.

Ken Klanecki, 2300 North Patterson Street, spoke in opposition to the request. Mr. Klanecki stated that this will be the largest building Project in the history of Valdosta and he recalled three years ago when this proposal came forward. He made contact with a gentleman from Mt. Pleasant and he expressed his reservations at that time. The traffic patterns on North Oak Street at certain times of the day can be problematic. This complex will only add to those problems. He is not a real estate guru and he wanted to remind the Mayor and Council that they already have one white elephant in Valdosta which is the office building on North Patterson across from South Georgia Medical Center. It has been sitting there for five years and there has been no movement. He is inclined to side with Councilman Yost and it may be something that will just be there and destroy a long standing neighborhood. Mr. Klanecki urged Council to vote no.

A MOTION was made by Councilman Carroll to amend Approval Condition No. 9 (expiration date) contained in the 2012 original Planned Development Approval (File No. VA-2012-14) as requested by McAlister Development to read as follows: (9) The development shall commence (request for permits) by February 4, 2018, and shall be completed by February 4, 2021. Otherwise, Planned Development approval shall automatically expire. Councilman Norton seconded the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2015-33, the complete text of which will be found in Ordinance Book XIII.

ORDINANCE NO. 2015-34, AN ORDINANCE FOR A TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR)

Consideration of an Ordinance for a Text Amendment to the Land Development Regulations (LDR) Chapter 106 - Definitions, and Chapter 230 - Sign Regulations as requested by the City of Valdosta (File No. VA-2015-17). The Greater Lowndes Planning Commission reviewed this request at their November regular meeting and recommended approval (8-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that the City of Valdosta is requesting to amend the Land Development Regulations (LDR) Chapter 106 - Definitions, and Chapter 230 - Sign Regulations. These Text Amendments are divided into two groups which comprise three pages of text. The Text Amendments are comparatively minor in scope and are grouped around the following topics: (1) Clarify the definition of Billboard to mean a "freestanding sign" only, not a wall sign or some other type. (2) Modify and relax the threshold by which structural drawings are required from a Georgia registered design professional (Engineer) as part of the sign permitting review process. (3) Modify the ratio of wall sign sizes in C-D Zoning more consistent with other Commercial Zoning Districts (but still be subject to Historic District Design Guidelines as determined by the Historic Preservation Commission), allow the possibility of a freestanding sign in C-D Zoning under certain conditions (as was previously allowed before the LDR), and make window sign allowances in C-D Zoning consistent with what is allowed by the Design Guidelines (which are less restrictive). (4) Extend the sunset date for two more years to allow portable signs and banners on a continual basis with a proper Permit, and to include the C-D Zoning District in the area where such temporary banners are allowed. Staff found the request consistent with

the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their November 30, 2015 meeting, found it consistent with the Comprehensive Plan, and recommended approval (8-0 Vote) of the proposed Text Amendments with the exception of LDR Section 230-9 (E) (1) Portable Signs which shall revert back to its pre-2010 Amendment language in terms of portable sign only be allowed temporarily in lieu of a permanent freestanding or permanent wall sign (such as for a new business). Matt Martin asked Council's consideration in following Staff's recommendation but to extend the sunset date six months instead of two years in response to the discussion at the Work Session about having a Special Committee to review this in the spring.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION was made by Councilman Carroll to adopt the request as presented in the amended form from the Work Session on Tuesday for a Text Amendment to the Land Development Regulations (LDR) Chapter 106 - Definitions, and Chapter 230 - Sign Regulations as requested by the City of Valdosta. Councilman Wright seconded the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2015-34, the complete text of which will be found in Ordinance Book XIII.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a request to approve an Agreement with the Exchange Club for placement of benches in the City.

Pat Collins, City Engineer, stated that the Exchange Club has been installing benches at various places in the City for the past 67 years. The revenue received for the advertisements placed on these benches has benefited many community improvement projects throughout the City. The current Agreement states that the number shall not exceed 60 benches on the City right-of-way. On June 20, 2013, Council voted unanimously to adopt the current Bench Agreement for two years (which included an automatic renewal term that commenced on June 20, 2013 with termination on June 20, 2015). The renewal term for this Agreement shall commence on December 10, 2015 with termination on December 10, 2017. On November 20, 2015, the City received an inventory list which includes locations for 59 benches within the City on the City's right-of-way. These locations and counts have been verified by the Engineering Staff. Pat Collins stated that since the Public Transit Study is underway and there is a possibility of transit at some time in the future, he recommended that Council approve a Contract for one year with a one year renewal option and a 90-day provision for termination without penalty. The previous Contract was a two-year Contract. Councilman Carroll stated that after looking over the information and having some discussion with Staff, in lieu of the fact that these benches do not comply with the City's Sign Ordinance and there have been a number of complaints about them, he is willing to make some concessions.

A MOTION was made by Councilman Carroll to deny the request and grant the Exchange Club a two-year extension on the Contract to give them plenty of time to find other revenue sources to fund their charitable projects and that this request include a paragraph that is added to the Contract stating that the parties acknowledge and agree that the program will end on the termination date of this Contract and the benches will be removed by the Exchange Club at their expense on or before the termination date. Larry Hanson, City Manager, inquired as to when the termination date would be. Councilman Carroll stated that it would be the end of this year. Councilman Yost seconded the motion. Mayor Gayle inquired as to whether this motion was proper. Tim Tanner, Attorney, stated that they should try to refrain from a negative motion but as Councilman Carroll explained the content of the motion it did not seem very negative to him and was actually the approval of a two-year extension on the Contract. Councilman Carroll could remove the motion to deny and make the motion on its face without that terminology. Councilman Carroll was in agreement. Larry Hanson, City Manager, stated that Councilman Carroll could use the terminology to amend the request rather than denying it. Councilman Yost stated that we are giving them two years whereas if we went with the motion presented by Staff we are giving them two years there also but it is conditioned upon the Transit Study. He does not have a problem giving them two years but what if it comes back and then we need to go ahead and do what we need to do with the benches at that time. In other words, they could go with the first year and then have the second year be conditioned as Staff stated and it could be broken at any time giving a 90-day notice. Councilman Yost stated they could be locked into two years with the Exchange Club when they really need to break it and there is no way to break it. Councilman Carroll stated that was a viable comment and

this is obviously a good revenue source for their charitable activity and possibly their largest charitable resource. If that is the case and combined with the fact that they have costs associated with the benches, this would give them ample time to deal with that and find other revenue sources as well as fully pay for those benches they have yet to pay for.

A **SUBSTITUTE MOTION** was made by Councilman Vickers to table the request for 30 days in order to give Council time to discuss this with the Exchange Club. They have been in existence for years and years and it seems unfair that Council is blindsiding them without giving them a chance to address this. Councilman Yost called for a point of order. Mayor Gayle stated that Councilman Vickers could make a substitute motion but they would need to vote on it first. Councilman Payton seconded the motion. The substitute motion was adopted (4-3) with Councilman Yost, Councilman Wright, and Councilman Carroll voting in opposition.

Consideration of a request to approve Amendment No. 9 to the Parsons Contract for additional services and infrastructure repairs.

Henry Hicks, Utilities Director, stated that Parsons is the design Engineer for the Force Main Project and has utilized Lovell Engineering for the design of the gravity and force main segments of this Project. Parsons was also the low bidder for the Environmental Protection Division (EPD) mandated Supplemental Environmental Project (SEP) as part of the December, 2013 Consent Order. The purpose of the SEP is to use the Withlacoochee sewer collection system model to identify areas for potential overflows as well as inflow and infiltration of storm or ground water into the sewer system. The SEP Report was finalized and identified two high priority sewer mains for immediate upsizing. In addition, Utilities Staff also identified through smoke testing and CCTV work, two parallel existing sewer mains and associated manholes in the Meadowbrook area that are severely deteriorated and also need immediate repair or replacement. The two high priority locations both feed into the new Remer Pump Station. Both of these existing large diameter sewer mains are undersized and pose a bottleneck causing sewage flows to backup into the system during high flow periods. One of these sewer mains, an aerial section, was in the original scope of work for replacement (not oversizing) in the Force Main Project but was removed during value engineering discussions to reduce the overall Project costs. The second large diameter sewer main needing to be oversized is adjacent to the aerial main but it is entirely underground. Because this was not part of the original scope, the design for its replacement was never contemplated but is now currently underway. After review of the repair and rehabilitation costs for the parallel Meadowbrook area sewer mains, Staff determined that replacement of both parallel main with a single large diameter sewer main would be the most cost effective approach. Before bid documents can be finalized, then advertised, and bids taken to do this work, design must be completed first. The goal is to bid all three sewer main projects at the same time in order to get the best pricing for this work while we still have two large national contractors available to bid along with our local contractors. Amendment 9 is broken down into the following five Tasks: (1) Task 1 is to complete design specifications for replacing the parallel sewer mains and associated manholes with a single large diameter main in the Meadowbrook area behind the Salty Snapper Restaurant (\$18,660). (2) Task 2 is for engineering service during construction for all three critical Projects including but not limited to review of submittals and RFI's (\$25,305). (3) Task 3 is engineering services during construction including development of bid documents for the three combined Projects either individually or all together (\$37,350). (4) Task 4 is for construction management services on the three necessary projects, the upsizing of the existing aerial and underground sewer mains at Remer Lane, as well as the replacement of the parallel sewer main in the Meadowbrook area (\$208,657). (5) Task 5 is a provision for ongoing construction management services should the Force Main Project completion date be extended as a result of Change Orders and extension days associated with those changes (\$144,270). There is sufficient funding currently remaining in the contingency portion of the GEFA Loan for the Force Main Project to cover the majority of these expenses with the exception of the underground Remer Lane sewer main portion and associated easement costs, as well as Tasks 4 and 5 above. To complete upsizing of that underground sewer main, acquiring necessary easements and Task 4 and possibly Task 5 (dependent on days added to contract) an additional \$1.0 million will be needed. GEFA is expected to approve the City's request to add \$1.0 million to the existing \$36.0 million loan in order to complete this work in its entirety as it is consistent with the scope of the original loan as well as the Consent Order from EPD. Henry Hicks recommended that Council approve Amendment 9 allowing Parsons to design the replacement of the Meadowbrook area parallel sewer mains and provide construction services, management, and oversight for all three Projects after advertising, bids, and award for this work per GEFA requirements. The cost for this scope of work is \$434,242.00. The design work for the Meadowbrook mains replacement will be done through Lovell Engineering as was the Force Main work and underground Remer Lane replacement.

A **MOTION** by Councilman Yost, seconded by Councilwoman Tooley, was unanimously adopted (7-0) to approve Amendment No. 9 to the Parsons Contract for additional services and infrastructure repairs.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Electronics Recycling Event was very successful and they collected 11,054 lbs of electronic recycled products. There were 89 personal computers, 22 laptops, 38 televisions, 45 LCD monitors, 15 CRT monitors, and many other items.

The Christmas Tree Lighting Event went very well and many citizens signed Holiday Greeting Cards which will be sent to the military service members. The Event was so successful that we will be discussing how to manage the number of people in attendance for next year.

The Holiday Gift Drive to Parkwood Development Center is scheduled for December 15, 2015 and there is still time for donations to be made to the Fire Station. The gifts will be delivered by the Mayor and Valdosta Firefighters.

The Valdosta Youth Council will be visiting nursing homes on Saturday, December 19, 2015 to deliver some Christmas cards and candy.

The Shop-with-a-Fireman will take place on December 16, 2015 at Wal-Mart on Norman Drive and the Shop-with-a-Cop will take place on December 21, 2015 at Wal-Mart on Inner Perimeter Road. Each child will receive \$100 gift certificate for their shopping needs. We should also take time to thank our Public Safety Officers who will be working during the holidays while many of us will be taking time off to spend with our families.

Recently the Fire Department worked with Wiregrass Technical College to refurbish one of the Fire Department's pick-up trucks. It was a great collaborative effort and it was done at no cost to the City while providing practical experience for the students.

City Government 101 applications will be available in January, 2016 and we already have six people who have signed up for it. This has become a popular event and the classes will begin in April, 2016.

The Christmas Parade was a great success and there is a lot of work that goes on for a full week prior to the event with the Street Maintenance Division, the Arbor Division, the Stormwater Division, Engineering, Parks and Recreation, and Public Works.

There was a Tree Planting Ceremony at the American Legion several weeks ago to honor the Veterans and it was called "Project Pay It Forward." Emily Davenport, Assistant Director of Engineering, and her Staff did a great job.

The second Gateway Sign on Madison Highway is now complete and the only thing remaining to be done is the lettering on the sign which will be done today or tomorrow.

There was a Ribbon Cutting for one of our most recent CDBG Projects at 410 Cumming Street and some of the Council members were able to attend and participate in the event.

Orientation with Councilwoman-elect Vivian Miller-Cody has already begun and she had a half day of orientation on Tuesday, December 8, 2015 and Wednesday, December 9, 2015. She will take a week off and then come back for a full day the following week. She is preparing to take office in January and we appreciate the time she has spent with each Department.

COUNCIL COMMENTS

Mayor Gayle stated that the Christmas Parade lasted until 7:30 p.m. or later and when he came down Patterson Street on Sunday morning at 9:00 a.m. there was not a piece of paper on that street. Mayor Gayle thanked the Public Works Department for a job well done.

Councilman Vickers stated that success of City Government 101 and the Christmas Parade comes from preparation and planning. Councilman Vickers also stated that he did not have a strong feeling one way or the other about the Exchange Club benches but felt that the organization should have an opportunity to present their side.

Councilwoman Tooley wished the Mayor, Council members, and Staff a Merry Christmas and a safe holiday.

Councilman Carroll stated that in regard to the benches, it is sometimes like a zoning case or a land use case in that we can get lost in the forest for not seeing the trees. This is not an issue of charities or a charitable organization but it is an issue about codes and regulations. Either we have them in the City and we enforce them or we do not. If we are going to allow one charitable organization to have miniature billboards scattered throughout the City then we should allow every charitable organization to do the same and obviously that is not acceptable. That is purely the reason why he believes that it is time for them to go.

Councilman Yost stated that the benches are not a Public Hearing so Council would not be able to hear their side at the Council Meeting. They would only be allowed to speak after the vote during the Citizens to be Heard portion of the Council Meeting. Councilman Yost also thanked Councilman Wright for his service of 12 years on the Council and wished him best of luck.

CITIZENS TO BE HEARD

Nancy Hobby, 707 Smithbriar Drive, stated that she is a City appointee on the Zoning Board of Appeals and they have had quite a few issues pertaining to billboard signs that come up. Sometimes they find in favor and sometimes they do not. She has had numerous citizens ask her about a conflict of interest with the Exchange Club benches. It is not right for one group to be able to do that and then you penalize the people who are actually in the business and trying to make a living. The City paid recently for all City appointees to go to a class. They had an expert from Athens who taught the class and they learned about the rules for making better decisions. She gave them a case, City of Athens vs. the Boys Club. They all listened to the facts and they all had to vote. When they finished voting each person was polled. The people who had sided with the City of Athens had voted the appropriate way because it was not about the boys or girls but it was about code and zoning. Ms. Hobby respectfully asked Council to think about this because it has put some of their Board members in an uncomfortable position to have to answer this. She went around the City today and counted the benches which are purposely positioned for advertisement. They are not benches for people to sit on and they are not attractive. They do nothing to enhance the City. If they were going to enhance the City they would be pretty wrought iron benches like the City has put in the Downtown area. It is our goal to make our City and community more attractive so that people will want to live here.

ADJOURNMENT

Mayor Gayle entertained a motion to adjourn the regular Council meeting and enter into Executive Session for the purpose of discussing real estate.

A MOTION by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (7-0) to adjourn the December 10, 2015 meeting of the Valdosta City Council at 6:52 p.m. and enter into Executive Session for the purpose of discussing real estate.

Mayor Gayle reconvened the regular City Council meeting at 7:01 p.m. and stated that there was discussion of real estate in the Executive Session and action would need to be taken.

RESOLUTION NO. 2015-15, A RESOLUTION TO DECLARE FOUR PIECES OF PROPERTY AS SURPLUS FOR THE PURPOSE OF ADVERTISING THEM FOR BID

Larry Hanson, City Manager, stated that the Resolution will declare four pieces of property as surplus for the purpose of advertising them for bid with the goal of disposing of those properties by bid.

Mayor Gayle entertained a motion approving the Resolution to declare four parcels of land as surplus and advertising them for bid.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (7-0) to enact Resolution No. 2015-15, a Resolution to declare four parcels of land as surplus and advertising them for bid with the goal of disposing of those properties by bid, the complete text of which will be found in Resolution Book V.

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the December 10, 2015 Meeting of the Valdosta City Council at 7:03 p.m. to meet again in Regular Session on Thursday, January 7, 2016.

City Clerk, City of Valdosta

Mayor, City of Valdosta