

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, OCTOBER 10, 2013**  
**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, and Deidra White. Councilman Alvin Payton, Jr. arrived late at 5:37 p.m., and Councilman Robert Yost and Councilman James Wright were absent. The invocation was given by Rev. Winston Taylor, Grace Fellowship Seventh Day Adventist Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE OCTOBER, 2013 EMPLOYEE OF THE MONTH AWARD**

Pat Collins, City Engineer, presented the October, 2013 Employee of the Month Award (Douglas Stevenson, Brian Smith, and Aaron Spencer, Engineering Department).

Doug Stevenson began his employment February, 2004 as a Laborer and is currently a Crew Leader. Brian Smith began his employment August, 1995 as a Laborer and is currently a Heavy Equipment Operator. Aaron Spencer began his employment February, 2007 as a Laborer and is currently a Light Equipment Operator. These three gentlemen work for the Engineering Department’s Stormwater Division and they help to ensure the safety of our community through regular inspections and maintenance of the City’s stormwater system. In July of this year, the City received a phone call concerning a capsized boat in a pond located off of Forrest Street near Valdosta High School. The Police and Fire Department responded and determined that no one was involved and the boat had been in that location for an unknown amount of time. At that point, the concern was that nearby children might find the boat and attempt to access it. The Stormwater Division was contacted and immediately sent two service crews with a backhoe operator to remove the danger and dispose of the boat. Captain Ronald Skrine from the Fire Department was extremely complimentary of the work crew’s quick response and good attitude to ensure that the hazard was removed. The City’s Core Values and Beliefs states, “We feel a sense of urgency on all matters related to our customers.” Doug, Brian, and Aaron truly knew this incident could turn into a dangerous situation and worked to ensure it did not. For these reasons and many others, the Employee Relations Committee nominates Doug Stevenson, Brian Smith, and Aaron Spencer as Employees of the Month.

**APPROVAL OF MINUTES**

The minutes of the September 5, 2013 Regular Meeting were approved by unanimous consent (5-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2013-20, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A SMALL EVENT CENTER IN COMMUNITY-COMMERCIAL (C-C) ZONING**

Consideration of an Ordinance for a Conditional Use Permit to allow a small event center in Community-Commercial (C-C) zoning as requested by Brian and Laurie Colbert (File No. CU-2013-03). The property is located at 1110 North Patterson Street. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended approval with five conditions (8-0 vote).

Tracy Tolley, Zoning Coordinator, stated that Brian and Laurie Colbert are requesting a Conditional Use Permit (CUP) for a small Event Center in Community-Commercial (C-C) zoning. The property consists of 0.51 acres located at 1110 North Patterson Street and is along the west side of the street, approximately 150 feet south of the intersection with West Ann Street. The applicants are proposing to convert the existing two-story residence into a small Event Center that is rented for luncheons, small weddings, baby showers, and birthday parties (much like a smaller version of The Crescent Event Center). They are also proposing to have a small commercial kitchen within

the facility to assist with catering of these events. The applicants are proposing to expand the existing paving in their rear yard to have parking spaces for ten vehicles, and they are in the process of obtaining shared parking agreements with neighboring properties in order to increase the number of available parking. The applicants are proposing no changes to the building other than interior remodeling and making the facility handicap-accessible via the rear porch. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan. It is also located within the City's local Historic District as well as the North Patterson National Register Historic District. Any site improvements (such as parking) or exterior changes to the building will require approval from the Historic Preservation Commission. The surrounding land use pattern is dominated by Valdosta State University (VSU) properties on the blocks to the north, as well as historic residential buildings facing this portion of the North Patterson Street corridor. Many of the historic houses have been converted to professional offices, but some residences still remain. The surrounding zoning pattern is dominated by C-C along this portion of the corridor, as well as some existing Residential-Professional (R-P) zoning across the street. Despite the C-C zoning, this portion of the corridor is dominated more by office uses rather than commercial. Given the existing zoning and land use patterns, a small Event Center under the right conditions would be a very compatible use in this area and like The Crescent, it would also be an acceptable adaptive reuse of a large historic house. It should be noted, however, that the existing structures in this area remain very historic in nature and part of a National Register Historic District. It is truly imperative that this historic nature be preserved and that the proposed use remains respectful of the surrounding properties. The main issue of concern with the proposed use is the lack of available onsite parking. An Event Center in a building containing 4,658 square feet (or even just 2,363 on the ground floor), plus a nice yard and an outdoor porch/patio area, has the capacity to hold a lot more people than the proposed ten parking spaces can accommodate; therefore, the allowable occupancy of the facility should be tied to the amount of available parking. Fortunately, the adjacent properties have existing parking lots that could be shared with the Event Center during times that these other uses are not in operation. It is also fortunate that even with the addition of a small rear parking lot (about 2,800 square feet of new paving), the property will still remain more than 50% green open space and that stormwater runoff will not be a significant concern. Of secondary concern is the installation of a commercial kitchen which has the potential of being used for a restaurant, retail bakery, or similar use that might generate far more parking demand than is currently available; therefore, there should be limitations on the use of the kitchen as being in conjunction with the Event Center. 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 small Event Center in the name of the applicant only for use of the existing building based upon the submitted conceptual plan. Any onsite commercial cooking facilities shall be used for the Events only or otherwise for general catering purposes. (2) Hours of operation shall be limited as 4:00 p.m. to 11:00 p.m. on Monday - Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday or State holidays. (3) Onsite parking shall consist of at least ten spaces, be located on paved surfaces, and limited to the rear yard only. The existing loop drive along North Patterson Street shall be maintained as one-way traffic flow, with also one-way exit onto the rear alley. Off-site parking may be shared from adjacent properties as stipulated by written shared parking agreements and approved by the City. The rear parking area shall utilize outdoor lighting as specified by LDR Section 222-10. (4) Total facility occupancy shall be limited to no more than three persons per approved parking space, but not to exceed the occupancy assigned by the Fire Marshal. (5) Conditional Use approval shall expire after three years from the date of approval if no business license for the Event Center is requested and approved by that time. The Planning Commission reviewed this at their September 30, 2013 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval, subject to the same five conditions as recommended by Staff (8-0 vote). Tracy Tolley stated that after the Work Session on Tuesday, Matt Martin Planning and Zoning Administrator, spoke with the Colbert's regarding the hours of operation and occupancy limit and it has been revised for Council's consideration. The revised Condition (2) now reads as follows: Hours of operation shall be limited as 4:00 p.m. to 11:00 p.m. on Monday - Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday or State holidays at a full occupancy count as permitted by available parking and the Certificate of Occupancy. In addition, the facility may operate at a maximum capacity of 20 persons from 10:00 a.m. to 4:00 p.m. on Monday - Friday. Also, the Colbert's have received verbal approval for some additional parking to be shared but there are no written agreements in hand at this time. Councilman Payton inquired as to why the maximum capacity went from 30 to 20. Tracy Tolley stated that the maximum capacity is 30 on Monday - Friday from 4:00 p.m. to 11:00 p.m. and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday or State holidays. The 20 maximum capacity only applies on Monday - Friday from 10:00 a.m. to 4:00 p.m. The Colbert's were initially agreeable to the proposed hours of operation and occupancy set at 30. Their intent was not really to operate during

the daytime. Councilman Carroll stated that the Colbert's may also not have the shared parking arrangement during normal business hours. Tracy Tolley stated that activities may generate more car-pooling on evenings and weekends and business-oriented and single passenger-oriented during the week.

Brian Colbert, 1110 North Patterson Street, spoke in favor of the request. Mr. Colbert stated that he was agreeable with what Tracy Tolley had presented and asked Council's consideration in approving the request. Councilwoman White stated that they had significant discussion at the Work Session and their biggest concern was that if Council allows them to do something that is not normally allowed then they would want the Colbert's to be a good neighbor to their surrounding neighbors and not infringe upon those existing around them. Councilman Payton stated that he was glad to hear that they had some verbal commitments on the shared parking because that was one of his concerns. Councilman Vickers stated that his main concern was that Council would hamper the Colbert's since their idea has not been fully developed and that the conditions would not be too strenuous. Councilwoman White stated that they wanted the Colbert's to have every opportunity to be successful with the property. Brian Colbert stated that originally they wanted the weekday opportunity but when it was written up it was not included; however, they were happy with the change. Larry Hanson, City Manager, stated that in the event the business is successful a condition can be removed or rescinded.

Wade Kruger, 202 West Force Street, spoke in favor of the request. Mr. Kruger stated that he lived near the property and this would be an exciting opportunity for development of the neighborhood.

No one spoke in opposition to the request.

**A MOTION** was made by Councilwoman White to approve an Ordinance for a Conditional Use Permit to allow a small Event Center in Community-Commercial (C-C) zoning as requested by Brian and Laurie Colbert with the following conditions: (1) Conditional Use approval shall be granted for a small Event Center in the name of the applicant only, for use of the existing building based upon the submitted conceptual plan. Any onsite commercial cooking facilities shall be used for the Events only or otherwise for general catering purposes. (2) Hours of operation shall be limited as 4:00 p.m. to 11:00 p.m. on Monday – Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday or State holidays at a full occupancy count as permitted by available parking and the Certificate of Occupancy. In addition, the facility may operate at a maximum capacity of 20 persons from 10:00 a.m. to 4:00 p.m. on Monday – Friday. (3) Onsite parking shall consist of at least ten spaces, be located on paved surfaces, and limited to the rear yard only. The existing loop drive along North Patterson Street shall be maintained as one-way traffic flow, with also one-way exit onto the rear alley. Off-site parking may be shared from adjacent properties as stipulated by written shared parking agreements and approved by the City. The rear parking area shall utilize outdoor lighting as specified by LDR Section 222-10. (4) Total facility occupancy shall be limited to no more than three persons per approved parking space, but not to exceed the occupancy assigned by the Fire Marshal. (5) Conditional Use approval shall expire after three years from the date of approval if no business license for the Event Center is requested and approved by that time. The motion was seconded by Councilman Payton. The motion was unanimously adopted (5-0) to enact Ordinance No. 2013-20, the complete text of which will be found in Ordinance Book XII.

**AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS WITHDRAWN**

Consideration of an Ordinance to rezone 0.69 acres from Office-Professional (O-P) to Residential-Professional (R-P) as requested by Norwood Land Holdings, LLC (File No. VA-2013-13). The property is located at 2009 Springhill Drive. The Greater Lowndes Planning Commission reviewed this request at their September Regular Meeting and recommended denial (5-4 vote).

Mayor John Gayle stated that the applicant has withdrawn this request.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 2013-21, AN ORDINANCE TO REVISE THE CITY OF VALDOSTA'S RADAR PERMIT**

Consideration of an Ordinance to revise the City of Valdosta's Radar Permit.

Pat Collins, City Engineer, stated that the Georgia Department of Public Safety issues Radar Permits to law enforcement agencies so that speed detection devices can be used to enforce the posted speed limit. The Engineering Department has compiled a list of revisions to the City's current Radar Permit for the use of speed detection devices. The revisions are from changes in the City's traffic patterns, school system changes, and some minor corrections. Per Georgia Code, the City applies to the Georgia Department of Transportation (DOT) Office of Traffic Operations for Permit renewals. After approval at the local level, the Ordinance is submitted to the Georgia Department of Public Safety. The current permit expires December 31, 2013. Pat Collins recommended that Council approve the Ordinance to revise the City of Valdosta's Radar Permit.

**A MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (5-0) to enact Ordinance No. 2013-21, an Ordinance to revise the City of Valdosta's Radar Permit, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2013-22, AN ORDINANCE TO AMEND THE CITY OF VALDOSTA GEORGIA MUNICIPAL EMPLOYEE BENEFITS SYSTEM (GMEBS) DEFINED BENEFIT RETIREMENT PLAN**

Consideration of an Ordinance to amend the City of Valdosta Georgia Municipal Employee Benefits System (GMEBS) Defined Benefit Retirement Plan.

Larry Hanson, City Manager, stated that Ice Miller, LLP, Legal Counsel for the Georgia Municipal Association, has been working with the Internal Revenue Service (IRS) to resolve some issues they had after reviewing the City of Valdosta's GMEBS Defined Benefit Master Plan. On August 22, 2013, the City of Valdosta amended the GMEBS Defined Benefit Master Plan; however, the Georgia Municipal Association was unaware at that time that the IRS would require the City of Valdosta to make changes to the Master Plan. Since the City's Plan is an individually designed plan (due to the return of contributions to Rule of 75 retirees), it is approved separately and receives a separate determination letter. The IRS often requires Plan Amendments as a condition of IRS approval and, apparently, the IRS favorable determination that Ice Miller received is conditioned on the City's adoption of the Ordinance amending the Master Plan. The IRS is requesting a language change in the Plan so that we can ensure protection of the tax exempt status of the Plan. In two subsections, the IRS wanted the wording changed from "limitation on annual benefit" to "adjustment for form not subject to Code Section 417-E3." Ice Miller has advised that the City of Valdosta must adopt then Ordinance no later than November 1, 2013 and return an executed copy to Gwin Hall, RMEBS Associate Legal Counsel with the Georgia Municipal Association, for their signature and then send a fully executed copy of the Master Plan Amendment to Ice Miller for their files. This process is something that has to be done to comply with the IRS regulations and to protect the qualified (and tax exempt) status of the Plan. Larry Hanson recommended that Council approve the Ordinance to amend the City of Valdosta Georgia Municipal Employee Benefits System (GMEBS) Defined Benefit Retirement Plan.

**A MOTION** by Councilman Norton, seconded by Councilman Payton, was unanimously adopted (5-0) to enact Ordinance No. 2013-22, an Ordinance to amend the City of Valdosta Georgia Municipal Employee Benefits System (GMEBS) Defined Benefit Retirement Plan, the complete text of which will be found in Ordinance Book XII.

**BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES**

Consideration of a request to approve Contract Amendments for additional professional engineering and surveying services for the Withlacoochee Wastewater Treatment Plant.

Henry Hicks, Utilities Director, stated that in September 2010, the City Council authorized the 30% design for this project utilizing Parsons. At completion of the 30% design, the Georgia Environmental Protection Division (EPD) required its formal review and approval of Design Development Report (DDR) and Environmental Impact Document (EID) for the Plant site only before we could move forward on 100% design. That approval was received in early 2011. Since that time, the 100% design was put on hold as this scope was included in the City's second and final claims appeal to the Federal Emergency Management Agency (FEMA) for the relocation of the Withlacoochee Wastewater Treatment Plant to property purchased across from the landfill. On August 1, 2012, the City received preliminary notification that its second and final appeal to FEMA was denied. On August 9, 2012,

the City Council authorized the contract services for 100% design with Parsons at \$1,381,448. Subsequently, the City applied for a Georgia Environmental Finance Authority (GEFA) loan in the amount of approximately \$37 million including contingencies for the construction of this Project. The loan has tentatively been approved pending completion of an Environmental Review and Planning Document as well as a Phase I Archeological Report on the entire force main route and new Plant site as required for State Revolving Fund financing through GEFA. This work was not contemplated in the original design scope as funding source had yet to be determined. Parsons expedited this work and has submitted all pertinent documents to both the EPD and GEFA in order for the City to get loan approval as soon as possible. In brief, the cost for Amendment No. 4 is \$41,570.00 and the cost for Amendment No. 5 is \$16,661.77 for a total of \$58,231.77. Henry Hicks recommended that Council approve the Contract Amendments for additional professional engineering and surveying services for the Withlacoochee Wastewater Treatment Plant.

**A MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (5-0) to approve the Parsons Contract Amendment No. 4 in the amount of \$41,570.00 and Amendment No. 5 in the amount of \$16,661.77 for additional professional engineering and surveying services for the Withlacoochee Wastewater Treatment Plant.

### **LOCAL FUNDING AND REQUESTS**

Consideration of a request to appeal the decision on a Certificate of Appropriateness by the Valdosta Historic Preservation Commission for an installed front yard parking area.

Emily Foster, Special Projects/Historic Preservation Planner, stated that in early July, 2013, she was notified by City Marshal Mike Meyer about a parking area that was installed at 1507 Slater Street, without a permit or Certificate of Appropriateness (COA) being issued first. This property is within both the Valdosta Historic District and Residential Parking Overlay District. City Marshal Meyer had previously issued warnings and citations to the tenants of this property for violating the Residential Parking Overlay District requirement that prohibits parking in front yards. On July 15<sup>th</sup>, the property owner was notified that the parking area was in violation of the Historic Preservation Ordinance as the installed parking area was not issued a COA by the Historic Preservation Commission (HPC). On August 1<sup>st</sup>, Emily Foster and Matt Martin, Planning & Zoning Administrator, met with the property owner's son Nick Daugharty and the Property Manager, Stephen Lincoln, to discuss the parking area and potential remedies and alternatives. They were told that the parking area was necessary to accommodate the parking needs of the three tenants living there and that the lot was too narrow to afford accessibility to the back yard for parking purposes. Per that discussion, Mr. Lincoln then submitted a request for a COA for the installed front yard parking area to obtain the HPC's approval. Mr. Lincoln also was advised to request an Administrative Variance because the parking area also exceeds the Residential Parking Overlay District's maximum limit of utilizing 25% of the front yard for parking. It was decided that the COA would be requested first, followed by the Administrative Variance, if the COA was successful. On September 3, 2013, the HPC heard Mr. Lincoln's COA request for approval of the installed front-yard parking area. Staff recommended approval with a condition to install a landscape buffer between the parking area and street. Staff's consideration included the narrow lot configuration and the inaccessibility to the back yard for parking but recognized the front yard parking is clearly inconsistent with the design guidelines. The HPC voted to deny the request and ordered the removal of the parking area based on the Design Guidelines which state that parking in the front yard is not appropriate and that new parking areas should be placed to the side and rear of the building respectively. This decision was also based on Section 238-12 of the Historic Preservation Ordinance which states that the HPC shall deny an application for a COA if it finds the request would have a substantial adverse effect on the Historic District. The HPC did not exceed the limits of its authority and used appropriate regulations for reaching the decision. The HPC decision was not arbitrary or capricious and their intent was not to allow a commercial looking parking lot on a residential lot within the Historic District. In addition, the HPC did not want to set a precedent in allowing this parking area to remain which detracts from the historic character of the Brookwood North neighborhood. Since the HPC's decision, Staff has discovered new information about this property. It is apparent that the tenants' vehicles have been driving across the parking and along the southern side of the property in order to access and park in the back yard. Both the Staff and the HPC believed that the back yard was not accessible for parking purposes. Emily Foster recommended that Council either uphold the HPC's original decision or to return the matter back to the HPC for reconsideration since there is new information. If returned to the HPC, Staff's recommendation would be to

reduce the parking area to a maximum of two spaces, add landscaping to screen the parking area, and block access to the rear yard in order to prevent driving across the front yard. Alternatively, if the property owners wish to use the back yard for parking, a new single lane driveway could be installed on the southern side of the property that connects to the back yard. This option would require a new curb cut along Slater Street as well as the removal of the front yard parking area and restoration of the front yard to a traditional grass yard appearance.

Councilwoman White inquired as to whether Ms. Foster was recommending that they reduce the front parking if Council sends it back to the HPC and then block the access to the rear for parking. Ms. Foster stated that her reasoning for the recommendation is based on the way they are accessing the back yard by driving across the parking area in the front yard and making a left-hand turn across the sidewalk to access the back yard. Mayor Gayle stated that Ms. Foster is proposing a curb cut so that they can just drive straight down the lot to access the side yard. Ms. Foster stated that it would be more cost to the property owner and that is why she wanted to give them the option of keeping some of that existing parking area and just reducing the size of it. Councilwoman White inquired about the size of the two parking spaces in the front yard. Ms. Foster stated that it would still be over the 25% maximum size allowed by the Residential Parking Overlay; however, she would be willing to work with them. Mayor Gayle inquired as to whether the curb cut would be at the owner's expense. Ms. Foster stated that it would be at the owner's expense. Councilman Vickers inquired as to where the third tenant's car would go if they use the scenario of reducing the parking in the front to two spaces. Larry Hanson stated that it would park in the existing driveway. Councilwoman White inquired as to whether the landscape buffer would still be included in Ms. Foster's recommendation. Ms. Foster stated that it would be included. Councilman Norton inquired as to whether there was a shared drive with the neighbor or whether it would allow access to the back yard as well. Ms. Foster stated that it was a shared drive with the neighbor to the north. Mayor Gayle inquired as to how many cars could park in the back yard. Ms. Foster stated that at least five or six cars could park in the back yard. Councilman Vickers inquired as to whether the applicant has been informed of her recommendation. Ms. Foster stated that she has been in contact Mr. Lincoln.

Mayor Gayle asked if there was anyone in favor of the appeal.

Stephen Lincoln, 2523 Pebblewood Drive, stated that he was in favor of keeping the parking lot as it is and planting landscaping to shield it. He does not want the tenants to pull across the yard and turn left between the property owner's house and tree and the adjoining property owner's fence because that is dangerous and a liability issue for the property owner. Staff's recommendation to cut a curb and put a driveway in to access the back yard would be a tremendous cost. The existing front yard parking area has been parked on for 30 years. This has been a rental property since 1980 and what they did was to improve the parking surface. There is a picture of the parking before and the entire yard was dirt and filled with potholes and when it rained it was a mess. They did not remove any landscaping to do what they did. They had other options for an approved surface which could be landscape timbers with mulch which he felt is very cheaply done and does not look good. If you ride around the neighborhoods you will see weeds that grow up and the tenants never put down new sod or replenish the mulch. His property owner wanted to do something that would last a long time and would look good. They have to provide parking for the tenants and their guests and right now you can only get two cars in the shared driveway. It was suggested by one of the HPC members that the tenants use on-campus parking and walk to their house. He would not want his daughter or son parking on-campus and then walking through Drexel Park at night. They need to be able to provide adequate parking. Mr. Lincoln stated that with them putting landscaping along the sidewalk and blocking the view of the parking lot is an acceptable option. Councilman Payton inquired as to whether anyone was parking in the back yard now. Mr. Lincoln stated that he was not aware of anyone parking in the back yard and he has been managing the property for two years. He was not a big fan of cars parking in the back yard and ruining the grass and causing contamination by leaking oil from cars. Councilwoman White stated that Mr. Lincoln does not like people parking in the back yard because of the damage to grass and inquired as to whether he had that same opinion of grass in the front yard. Mr. Lincoln stated that he did not want people parking in the front yard but the grass was already gone and they did not have adequate parking for the tenants. Councilwoman White inquired as to whether he thought putting the improved surface in the back yard would be a solution. Mr. Lincoln stated that he did not think they could access the back yard safely and putting the curb cut would not be a feasible option monetarily. Directly across the street from this property is a 15-unit town home with an enormous parking lot and next door the driveway is more than 25% of the back yard. The houses in the neighborhood were built in the 1940's when the families only had one vehicle and now there are now 12,000 students only two blocks away and

they have to have adequate parking or it hurts the property value. Councilwoman White inquired about the homeowners who live there permanently and are worried about their property value being damaged. Mr. Lincoln stated that the same family owns the two properties next door and within the last two years they resodded the whole front yard and used the exact same material in the back all the way up to College Street and over to Slater Street in the existing parking area. He did not get one complaint and had six people call him and thank him for making the neighborhood look better. When they paved the front yard they tried to do something that was clean and neat and did not need a lot of maintenance by the tenant. Larry Hanson stated that there was no question about the material but it was the amount. Mr. Lincoln stated that he agreed. Councilwoman White inquired as to why he did not get pre-approval before installing the paving in the front yard. Mr. Lincoln stated that he did not know the proper steps and therefore they did not file the proper application prior to paving the front yard. He did apologize to the HPC and asked for their forgiveness because it was already done and they could not take it back. Mayor Gayle inquired as to whether he had the proper permits when he did the properties next door. Mr. Lincoln stated that he did not.

Mayor Gayle asked if there was anyone who would like to speak in opposition of the request.

David Register, 108 East Brookwood Place, spoke in opposition to the request. Mr. Register stated that he is Vice President of the Brookwood North Homeowners Association and his home was two houses down from this property. He asked that Council give serious consideration to deny the request. He asked Council to take into consideration the historic property in this neighborhood and the amount of effort that it has taken to preserve these historic homes, with his being one of those and built in 1924. Several other homes in the surrounding area have been lovingly restored and some are a work in progress, but at the same time, they have followed all the rules and regulations of the City of Valdosta by obtaining the proper permits and the Historic Preservation Commission's blessings or denials. This is not a paved parking area but it is asphalt millings which is what you get off of the highway when a milling machine removes it. It is not a cohesive unit and it is not like asphalt or concrete. It has the ability to retain potholes and become muddy because it is not cohesive. Also, there is room for three cars on this property if you put one in the garage and two in the driveway. There are problems with the adjacent parking. The house directly south of this has ten tenants living in it and not three. Being a former Valdosta State University student who lived in an apartment directly west of his driveway in the 1970's, you want to have guests visit; however, when he goes home at lunch there is no reason for six cars to be in the front yard. He understands that people are in the rental business to increase their income and he has no problem with the tenants in the neighborhood if they do rent; however, as property owners and tax paying citizens in that historic neighborhood, they moved there with the intent to preserve it for the City. Their neighborhood is one of only a few still left in the City that is as old and intact. He has lived in his home for over 12 years while other neighbors have lived there for 30 years or more. All they want is to maintain the integrity of their neighborhood. That is why they live there and protect it. They have had problems over the years because of rental property in their neighborhood. Recently his daughter who was home from the University of Alabama had her car window smashed and her purse stolen in broad daylight. One night he found a person who lives in a house directly south of his house lying under his truck. He has also had people knock on his door at 3:00 a.m. Mr. Register stated that he has a vested interest in his neighborhood and intends to maintain the integrity of it and that is why he was speaking in opposition.

Dr. Harry Hamm, Chairman of the Historic Preservation Commission, spoke in opposition to the request. Dr. Hamm stated that the HPC asked a specific question in their hearing as to whether they had access to the back yard. They were told very clearly no and that there was no room to drive around the house to the back yard. This is brand new information to him and the HPC. Integrity is also important and needs to be considered.

George Talley, City Attorney, stated that Council has two choices in this case. The first choice would be to send it back to the HPC or Council's decision of the standard review is whether the HPC abused their discretion. Councilman Carroll stated that after reading the statutes and the interpretation that he has heard is that when new information comes before Council regarding an appeal to a decision, it is customary that Council would consider that heavily in sending the case back to the body that is being appealed so that they can consider the new development. George Talley stated that it would be quite appropriate but Council was not required to do that.

Councilman Carroll stated that in regards to the material that the applicant is using it is not a bad choice. In the Planning and Stormwater worlds, pervious surfaces are much better than impervious surfaces and the material that the applicant used is a good option for use in this nature. It is tight having a little bit of space in the front yard

as allowed by the Overlay District Codes and it is not an unreasonable request by the applicant; however, Staff has appropriately recommended one way to find some balance to protect the neighboring properties and others in the area from seeing this and that is with a small landscape buffer. There is a lot of talk about paying property taxes and there are a lot rental companies and rental properties in the City that pay a lot in property taxes; however, Mr. Register considers his property taxes equally as important as those of the property owner in this case. In all fairness to both parties and to Staff who has worked hard to strike a balance and find a remedy to this situation that satisfies the needs of the rental property owner, the homes around it, and out of respect to our Parking Overlay Ordinance and Historic Preservation, it is clear that with the new information that was not given to the HPC to consider Council should refer this back to the HPC for a new hearing. At the same time, we do not have any precedent being set in that Council referred a case back to the HPC and if, yet again, the HPC decision is the same then it would still be appealable if the applicant felt that was necessary. George Talley, City Attorney, stated that it would be appealable and Council has referred cases back to the HPC before.

A **MOTION** was made by Councilman Carroll to refer the case back to the Historic Preservation Commission with the new information for a new hearing. Councilwoman White seconded the motion. Councilman Vickers stated that the new information is that they had access to the back yard. The motion unanimously adopted (5-0).

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

Larry Hanson, City Manager, stated that this is National Fire Prevention Week and our Fire Department is hosting a variety of events. The theme this year is "Prevent Kitchen Fires" since cooking is the number one cause of house fires and it is a significant contributor of home fire deaths.

This is National Community Planning Month and the City's Planning and Zoning Department will be having activities throughout the month. Mayor Gayle signed a Proclamation a few days ago recognizing that and it is an opportunity for us to show our appreciation and thanks for good professional planning. In the past we have had activities with the City, the County, Moody Air Force Base, and others to show the collaborative nature of planning and how important it is to our future.

The Community Development Department is hosting the Georgia State Plumbing Codes and Revisions Workshop in the City Hall Annex Building's Multi-Purpose Room. There is a group of individuals from around the State getting additional training.

We now have opportunities available to serve on several Boards, Commissions, and Authorities and that is open until October 30, 2013. If anyone is interested they can go to the City's website to see which opportunities are available.

There are several events taking place during the month of October. A few of those events include early voting which begins on October 14, 2013, the last Farm Days will be held on October 19, 2013, and Make A Difference Day will be held on October 26, 2013.

The City of Valdosta received a new GEFA loan this week at a lower interest rate which will save our taxpayers and rate payers money. We were able to get a new loan for a portion of a previous \$24 million loan that was not spent. There was approximately \$9.6 million left so we were able to close the old loan out and reapply for the remaining balance and get the interest lowered from 4.12% to 2.40%. We will now be able to continue work on several projects including the island annexation water/sewer projects, upgrading four more lift stations which is part of the Consent Order, a new re-chlorination station which will eliminate some of the flushing we have to do, and a second test well at our Treatment Plant.

There will be a ribbon cutting for the Woodrow Wilson/Gornto Road Extension on Friday, October 18, 2013. That was the highest rated project in our Transportation Plan which was adopted in 2008. The computer modeling showed that it would have the greatest benefit for overall traffic flow and traffic efficiency so we are looking forward to that. It will actually give us our first true East/West corridor beginning on the east side at Bemiss Road and going all the way to St. Augustine Road.



Larry Hanson, City Manager, stated that the Valdosta State University number one rated Blazers are on television tonight at 7:30 p.m. on Mediacom Channel 230. Also, tomorrow night is the Winnersville Classic and Councilman Payton and Councilman Norton will join in with me to say “Go Cats.”

Larry Hanson, City Manager, stated that we will need to have an Executive Session on real estate and litigation.

**COUNCIL COMMENTS**

Councilman Vickers stated that we need some sidewalks on St. Augustine near River Street and extend them all the way to the Mall area. There is a lot of foot traffic along that road. We need to contact our local Legislative Representatives to see if they can help get this on the list.

Councilwoman White stated that the cases that come up like the HPC appeal has nothing to do with who pays the most taxes, who the owner is, and who the renter is. If we have Ordinances on the books then we have to do our best to uphold them and make everyone in the situation whole. It really weighs hard to try and not be over burdensome to the person who is having the hardship but Council must also uphold what is already established and what they are supposed to be following.

Councilman Payton inquired about the Federal Home Loans. Larry Hanson, City Manager, stated that they had a lot of applications and the effort to get the word out worked very well. The applications were evaluated by Richard Joyner, Rehabilitation Construction Coordinator, and they have now been submitted.

Councilman Carroll stated that he was approached about this case and he initially looked at it and thought that the applicant should appeal it; however, the moment you get into the details of the case you start realizing that it is not as easy as you thought it would be. You cannot take for granted some of the cases that come before Council and the intricacies of each one.

**CITIZENS TO BE HEARD**

There were no citizens to be heard.

**ADJOURNMENT**

**A MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (5-0) to adjourn the October 10, 2013 Regular Meeting of the Valdosta City Council at 6:36 p.m. and enter into Executive Session to discuss real estate and litigation.

Mayor Gayle reconvened the October 10, 2013 Regular Meeting of the Valdosta City Council at 7:08 p.m. and stated that no action was taken.

Mayor Gayle entertained a motion for adjournment.

**A MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (5-0) to adjourn the October 10, 2013 Meeting of the Valdosta City Council at 7:08 p.m. to meet again in Regular Session on Thursday, October 24, 2013.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta