

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, OCTOBER 11, 2007**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, David Sumner, Alvin Payton, Jr., Willie Head, Jr., Robert Yost, John Eunice, and James Wright. The invocation was given by Rev. George Bennett, followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

The minutes of the September 20, 2007 regular meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

**CITIZENS TO BE HEARD**

Jo Ann Statum, 2862 Hunter-McCormick Road, stated that she was concerned about the Riverhill Cemetery located at the end of Baytree Road. There was a meeting on August 23, 2007 at Thomas Chapel Baptist Church to discuss the new development of Gary Minchew and it was also announced that a fly-over or over-pass was being planned at the end of Baytree Road. Ms. Statum asked that the right-of-way to the cemetery be considered when the planning for this project begins and that the cemetery not be blocked in when the plans are initiated for the fly-over because they were boxed in by the Georgia Department of Transportation in 1955. Ms. Statum sent a letter to the Georgia Department of Transportation, the local Georgia Department of Transportation, the Lowndes County Transportation Department, Lowndes County Commissioner Edgar G. Roberts, Lowndes County Commission Chairman Rod Casey, Lowndes County Engineer Trini McDonald, County Manager Joe Pritchard, Dr. Ron Zaccari, President of Valdosta State University, and Jerome Tucker because they were all at the meeting. The Georgia Department of Transportation owns the land, the County owns part of the road, the City owns part of the road, and the only thing that is given to the cemetery is the driveway. In order for them to access the cemetery, they must get approval from the County and the City. The cemetery is in an isolated place and if it is cut out then they will have to find everyone who owns land surrounding the cemetery to ask them for a right-of-way. Ms. Statum asked Council to please consider their right-of-way to the cemetery. Mayor Fretti stated that he visited the cemetery recently and was very familiar with it. He has also spoken with several of the private landowners in that area and asked for their consideration in possibly donating some land for a right-of-way. The City Engineer is also aware of the situation and if the fly-over is put into place the City would give allowance to have access to the cemetery. Mayor Fretti stated that he would ask Larry Hanson, City Manager, to meet with the County to get the cemetery platted and to write a letter in response. Mayor Fretti stated that Council would take the access and disruption of the cemetery into consideration. Ms. Statum thanked Mayor Fretti and Council for their consideration.

**PUBLIC HEARINGS**

**AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE DENIED**

Consideration of an ordinance to rezone .83 acres from Community-Commercial (C-C), Highway-Commercial (C-H), and Multi-Family Residential (R-6) to Downtown-Commercial (C-D) as requested by James Blake (File #VA-2007-42). The property is located at 500 and 502 South Patterson Street, 105 West Martin Luther King Drive, and 114 Bay Street. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended denial (9-0 vote). Mayor and Council postponed the request at the regular City Council meeting held on August 9, 2007 until the October 11, 2007 regular City Council meeting.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the rezoning request was postponed by Council at the August meeting in order to allow Staff, Councilman Head, and the applicant an opportunity to meet to further discuss the proposed use, details about the actual uses that would be occurring on the property under the requested zoning, and possibly reach a compromise. The meeting resulted in no agreement being reached. Anne-Marie Wolff stated that the applicant is requesting to rezone .83 acres from Community-Commercial (C-C), Highway-Commercial (C-H), and Multi-Family Residential (R-6) to Downtown-Commercial (C-D). The properties, which consist of four addresses, were recently combined into one parcel and contain a commercial building on the corner with an adjacent paved parking lot and an undeveloped grass lot. The property is currently being used as a bar and grill and the adjacent properties are a mixture of undeveloped, vacant lots, and some residential lots. The applicant's site plan showed the existing building with a possible expansion in the future and a large area of the property remaining unused which could be utilized for parking under the current zoning. The property is located within the boundaries of the Central Valdosta Development Authority (CVDA) which is a special taxing district; however, this does not necessarily mean that the property should be rezoned Downtown-Commercial. Staff had concerns about the impact of rezoning this property to Downtown-Commercial since with that zoning comes some allowances or relief from development standards. There are no parking or landscaping requirements and there are relaxed alcohol ordinance requirements (a certain number of seats within the establishment is not required if the property is zoned Downtown-Commercial). In the area of the applicant's property, there is no public parking as of this date; however, there are plans for parking in the Martin Luther King, Jr. Corridor project. Also, there is no public landscaping that the City maintains in order to beautify the area. When looking at the applicant's request and not understanding the reason for the request, Staff was concerned about the impact of the relaxed development standards and the relaxed alcohol ordinance. Staff found the request inconsistent with the Comprehensive Plan and the surrounding development and recommended denial. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended denial of the Downtown-Commercial (C-D) zoning (9-0 vote).

James Blake, 930 West Magnolia Street, spoke in favor of the request. Mr. Blake stated that he wanted to apologize to Mayor Fretti for the letter he had written and the breakdown in communication. Mr. Blake stated that he would still provide parking and landscaping if necessary and asked that the City meet him halfway in relaxing the requirements.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Yost to deny the request to rezone .83 acres from Community-Commercial (C-C), Highway-Commercial (C-H), and Multi-Family Residential (R-6) to Downtown-Commercial (C-D) as requested by James Blake. Councilman Sumner seconded the request. The motion adopted (6-0-1) with Councilman Wright abstaining.

**ORDINANCE NO. 2007-46, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3**

Consideration of an ordinance to annex and rezone 242.73 acres from Low-Density Residential (R-1), Highway-Commercial (C-H), and Conservation (CON) County to Planned Mixed-Use Development City as requested by Gary Minchew (File #VA-2007-46). The property includes parcels at the southwest corner of SR 133 and James Road and one parcel on the east side of James Road. The Planning Commission reviewed this request at their September 24, 2007 regular meeting and recommended tabling the request until the October 29, 2007 Planning Commission meeting (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting annexation and rezoning of 242.73 acres from Low-Density Residential (R-1), Highway-Commercial (C-H), and Conservation (CON) County to Planned Mixed-Use Development (PMD) City. The property is currently undeveloped and the applicant intends to establish a mixed-use regional shopping center. A portion of the property extends all the way to the river; however, the development would not extend that far. On the eastern part of James Road, the development is north of Park Avenue Road and is separated by three or four other parcels. The surrounding uses are residential with some existing commercial uses that have expanded west of the Interstate which includes a hotel, the former Steamhouse Seafood Restaurant, and the Toyota dealership. The revised site plan dated October 3, 2007 provides access to the hotel and the Toyota dealership through a frontage road and all parties are agreeable to it.

The proposed development will consist of residential, retail office, and hospitality uses. The master plan will combine the uses centered around the lifestyle components of the development, and the entire project will be developed on an interrelation basis with each component supporting the other. The following Lifestyle Components are proposed: (1) Retail - 606,100 square feet, (2) Restaurants - 31,500 square feet, (3) Theatre - 45,000 square feet, (4) Outdoor Sports - 110,000 square feet, (5) Out Parcel Restaurants - 50,000 square feet, (6) Power Center Retail - 250,000 / 300,000 square feet, (7) Hotel Rooms - 500-700, and (8) Office - 150,000 / 200,000 square feet. The development will also consist of a neo-traditional style of residential units with approximately 200 single-family detached units, 200 townhouse style multi-family units, and 125-150 adult housing designs. The neighborhoods will be integrated into the overall development with direct internal vehicular and pedestrian access to the commercial components of the development. The project is scheduled for completion in approximately 36 months, and during this time, the surrounding transportation infrastructure will be addressed. Due to the proposed size of the development, a Development of Regional Impact (DRI) was triggered and there were no negative comments received during the DRI review. The initial form was submitted in May, 2007 and additional information was requested by the South Georgia Regional Development Center (RDC) in Valdosta in June. The RDC then notified State organizations and adjacent local governments and gave them 30 days to provide comments. The State organizations included the Georgia Department of Transportation, the Environmental Protection Division, and the Department of Natural Resources. Additionally, the RDC held its own internal Staff review which included their Transportation Planner, the Historic Preservation Planner, and the Environmental Preservation Planner. On October 4, 2007, the RDC issued a positive finding which meant that the DRI was complete and found to be in the best interest of the region and State. Concurrent with City Staff conducting a local review, the RDC conducted a regional review on behalf of the State. Some discussion had been mentioned about the Troupville Cemetery which is approximately 300 feet away from the property line but would not be impacted by the proposed development. The development has an estimated value of \$425,025,650, which represents a significant investment into the Valdosta community. Staff has worked with the developers to create an addendum to the site plan dated October 11, 2007. This Addendum contains 11 items that provide some additional information about the site plan including that the green space will remain at or exceed 35% and on-site bicycle, pedestrian, and transit facilities will be planned in conjunction with City Staff. It also includes some site-specific information in order to compromise between the developers and the adjacent property owners (specifically the Toyota dealership, the hotel, and restaurant). This would include some signage, limiting the height of the building in front of the Toyota dealership, and realignment of the frontage road in the site plan in order to better accommodate the Toyota dealership. Item 11 of the Addendum states that a development of this magnitude, although it is site plan specific, it is not feasible that they could address every detail so in the Planned Development Addendum, it was added that Staff would have the opportunity to make minor adjustments not to exceed 15% which would apply to parking, building size, and location; however, it would not permit any increase in the overall development. The total density and intensity of the development would remain the same. Anne-Marie Wolff stated that Staff has worked diligently to address the issues that were present at the Planning Commission meeting, and she received an E-mail from Gary Moser, Chairman of the Planning Commission. Mr. Moser had contacted the Planning Commission members and stated that it was his personal opinion and was supported by the Commissioners who made and seconded the motion to table the request that it would be appropriate for the City of Valdosta to move forward at the next Council meeting and act upon the request should Council chose to do so. There have been some other requests where the Planning Commission had recommended tabling; however, once the issues were resolved, the Planning Commission supported the request to move forward.

Councilman Payton inquired about Item 8 of the Planned Development Addendum. Anne-Marie Wolff stated that Item 8 notes that the developer will give consideration to realigning the proposed street connecting the new James Road with the existing James Road so that the relocated street, which is the new James Road, will line up with the entrance to the Toyota dealership. Larry Hanson, City Manager, stated that this will be an east/west connector road. Anne-Marie Wolff stated that there is an understanding that when the developers begin conducting the environmental and engineering work, they will give due consideration to relocating this access way in order to line up with the Toyota dealership access way. Larry Hanson, City Manager, stated that there is a pocket of wetlands so they must do some additional engineering before any final decision can be made.

Councilman Yost inquired as to what routes visitors coming from other cities to the north as well as from the northern part of Lowndes County would use to get to the Valdosta Mall. Von Shipman, City Engineer, stated that the visitors would use Exit 18 and those from the northern part of Lowndes County could use several routes

which include using Northside Drive/Eager Road/Jerry Jones and could turn right to get to the Mall or continue on Jerry Jones and turn at Alden Avenue or Baytree Road. Councilman Yost stated that these routes are currently traveled by quite a few motorists and are very busy. Von Shipman stated that during the peak hour flows it does create some congestion. Councilman Yost stated that traffic is a problem during other times as well and we need to find some ways to move the traffic because if this development is approved, motorists will not be using Interstate 75 to get to the Mall. Councilman Yost asked that the City Engineer and City Manager meet with the County by February, 2008 to discuss Coleman Road and what can be done with any other roads to eliminate traffic coming down North Valdosta Road and back up to the Mall. Von Shipman stated that he has contemplated other ways to move traffic and earlier this year, Coleman Road was discussed and could possibly be an opportunity for a fly-over where people would be able to get to North Valdosta Road and to St. Augustine Road without having to get on the Interstate. There is also the possibility of extending Lankford Drive in the future over to Norman Drive and the over the Interstate to tie into James Road at some point if the need presents itself. There is currently a Transportation Master Plan under development and this new development on James Road will be addressed. Councilman Yost stated that he would like to have the Georgia Department of Transportation (DOT) involved and for the City to be pro-active.

Councilman Head stated that he was not against the James Road development but he was against the speed in making a decision and the uncaring attitude. Von Shipman stated that he met with the DOT in 2001 when realignment of James Road was proposed and the City owns the right-of-way back to the southern property line of the Toyota dealership. Councilman Head stated that when a Council member serves you have to show your hold cards and several Council members have stated that this will have to be done tonight. Councilman Head stated that he received a phone call after the Work Session from someone speculating which way he would vote and since that time, he has been approached by several political junkets, surrogates, or political prostitutes telling him how he ought to vote. It tends to get worse during election season because people have made commitments one way or the other and they are driven by that but it should not be like that. In looking back at the Planning Commission meeting, it was clear that some people were sentimental and considerate of the residents on James Road. Councilman Head stated that the residents on James Road have a need for more information and at the Planning Commission meeting they were making an effort to clearly separate James Road from the development; however, every time you talk about the development people talk about James Road. Councilman Head stated that when he received the Planned Development Addendum, he called Mr. Carter, General Manager of the Toyota dealership, to see if he was familiar with it because he had been told that Mr. Carter was in agreement with the Addendum. Mr. Carter indicated that they were still apart about Item 8 and that the language needed to be tightened. The part he was referring to was that the developer would give "consideration." If you give consideration then the chances of that happening could be very slim and it could be within the next year or five years or never. Councilman Head stated that the businesses surrounding that area need to be satisfied as well. Council needs to be operating in good faith and to consider the residents on James Road. Councilman Head stated that he questioned whether all of the Planning Commission members or a majority were surveyed to draw the conclusion indicated in the E-mail from the Chairman of the Planning Commission. Councilman Head stated that he was told if this request was not approved then the developer was going to walk away from the project but he did not think he would. He had heard rumors about contract options expiring and that is why this needed to be voted on tonight; however, this is all a part of doing business. If you come up on a contract expiration date and things are not in order then you need to look at some other options and possibly extending the contract. Councilman Head urged Council to wait before voting on this request.

Bill Langdale, 1006 North Patterson Street, spoke in favor of the request. Mr. Langdale stated that he represented the applicant and the issues are whether Council wants to rezone the property and if the zoning classification is appropriate. There are other issues, such as the James Road fly-over and the cemeteries that have been interjected but are not germane to this annexation and rezoning. Mr. Langdale stated that the property should be annexed because it is contiguous to the City property and it brings in a value to the City of 30% of the existing digest. It is in the growth corridor and long-range plan, and there are utilities already in place. We also want to be able to provide jobs and opportunities for our citizens and we cannot do that unless we are progressive. The first economic factor is the real estate improvement and the projected ad valorem tax on this project is \$5,128,900 annually with the City getting a large portion of that. Another economic factor is the gross annual sales which is \$432,000,000. The sales tax generated from this annually would be \$28,000,000. There will be approximately 2,500 full and part-time jobs with 1,500 of those being full time jobs and salaries of approximately \$42,000,000.

This is the single, biggest opportunity that Valdosta has ever had. Regarding the zoning classification, Mr. Langdale stated that it was appropriate because that is what Staff recommended. As a developer, you would not want a mixed-use classification and would rather have Highway-Commercial (C-H). The plans for this rezoning have been going on for almost one year and were first drawn in March. With a Planned Development, you have to show what is intended for the development; however, with C-H zoning you could file a petition tomorrow and would not have to hire a surveyor, architect, or engineer. A DRI was filed in May, 2007 which takes a long time for review by other State agencies and surrounding counties. With the DRI well underway, it became necessary to file the rezoning in July, 2007. Mr. Langdale stated that he thought the zoning classification was appropriate and asked for the classification that Staff had recommended. The development is not a catalyst for the James Road realignment which was planned and discussed for improvements for many years beginning in 2001. In 2003, the County committed to the School Board that James Road would be improved and the School Board understood it would be four-laned. It was with that commitment that the School Board decided to relocate Parker-Mathis Elementary School which will be known as Westside School. The School Board is spending \$15.2 million and will have 600-700 students, and the traffic count on James Road will double beginning next year. Mr. Langdale stated that they want to bring this development to the community in order to better the community and they have no control over what the governmental entities do with James Road. Council would not have the authority to make a decision as to what happens on James Road outside of this development. The timing for this development is important and no businessman wants to be under the pressure that they are in to accomplish this worthwhile goal. This is the largest development of this type that has ever occurred in Valdosta and the economic engine from this development is larger than Valdosta State University and others entities. One of the big boxes of this development has four million customers or visitors on an annual basis and draws them from a 100-mile radius. This one part would generate three times the volume of business than Wild Adventures, which has 1.2 million visitors a year. The four million people average four hours a day when they are shopping in this particular store, and they could go anywhere they want to including Tallahassee, Florida, Gainesville, Florida, or Jacksonville, Florida. Mr. Langdale stated that the question is whether or not we want the opportunity to have a company like this in Valdosta.

Councilman Yost inquired as to what the timeframe was from the starting point when they met with the County government and the City Staff until today. Bill Langdale stated that this project has been ongoing for more than one and one-half years. The actual drawing of plans started in March, 2007. Councilman Payton inquired as to whether the three cemeteries would be affected or not once this project is completed. Mr. Langdale stated that at the current time and even when the project is complete, none of the three cemeteries will be affected. These cemeteries are actually outside of the property to be rezoned and even if they were affected, the law would protect them.

Bill Langdale stated that he has spoken with the hotel on James Road and they have indicated that they are satisfied with the plans as they have changed and this should not bind them to lose their right in and right out on SR133. All those businesses still have the right to at least argue with the DOT. Councilman Head inquired as to whether the City would argue against that and be opposed to the hotel or dealership having a cutout onto SR133. Larry Hanson stated that would be a DOT decision and they have stated in writing that they would not allow a right in and right out. Councilman Head stated that as a City government we have considerable influence to impact what happens to a street even though we do not own it and inquired as to whether the City would be opposed if those businesses wanted to do that because we want them to follow the current plan. Von Shipman stated that the concept before the realignment was to keep the old James Road and have a right in and right out; however, that never went before the DOT and he would not be in favor of a cutout. Bill Langdale stated that they have to comply with all development standards and Council approves everything they do so this is a very unusual zoning that Council has complete control over.

Roy Carter, owner of the Valdosta Toyota dealership, spoke in favor of the request. Mr. Carter stated that he was not opposed to the project, which would be good for the County and City, but he was opposed to where they have locked them in. Mr. Carter stated that he reviewed the plan approximately one and one-half months ago and when they moved to James Road it was aligned in a different direction and came right in front of the dealership to give them the drive-by traffic. It would not be like that with the realignment and one of the things that a car dealership thrives on is drive-by traffic. The Mayor and City Staff have diligently been working with the developer to give the Toyota dealership some different avenues so that they would not be boxed in. The developer said they

would give them some consideration which is very broad so they asked the developer to tighten that up. Mr. Carter stated that he preferred the version that states "considerable effort" which would be more meaningful. If his understanding is correct, the road, which is in the middle of this on the edge of the dealership, is going to be moved back to the right and if the buildings were lowered to not exceed 28 feet then the dealership would not be blocked off and could be seen. Mr. Carter stated that if this was true, then they would accept it because they were promised that the road would not change. Councilman Vickers inquired as to whether the developers and the Toyota dealership would be in agreement. Bill Langdale stated that they would be in agreement. Mr. Carter stated that the developer would reduce the buildings from 40 feet to 28 feet and that way the customers would know that is a Toyota dealership. Councilman Head inquired as to whether the Addendum would be legal because it was not signed. Larry Hanson stated that it would be attached to the plans on file in the Zoning Office. Mr. Carter stated that it was late this afternoon when they were told of the decision of the developer.

Mitch Ray, representative of the Best Western/King of the Road Motel, 1403 North St. Augustine Road, spoke in favor of the request. Mr. Ray stated that he was not opposed to the development and he applauded everyone who had spoken to the other property owners, the car dealership, and the other hotel but no one had talked to him about the fly-over or asked him what he thought. If the fly-over is put in then it would go through his swimming pool. Mr. Ray requested that someone discuss the plans with him before any final decisions are made. Bill Langdale stated that the fly-over was not part of the annexation/rezoning request. Mayor Fretti stated that if that progresses, he would be in contact with Mr. Ray and the DOT to review the impact of the fly-over. Councilman Sumner inquired as to whether the fly-over had a program date with DOT. Larry Hanson stated that the fly-over is a concept and there is not even a formal design at this point. It was discussed with the DOT and they think it has value to be considered but there is no formal design or physical location at this point.

Pastor William C. Morgan, Morningstar Missionary Baptist Church, 761 South Troup Street, spoke in opposition to the request. Pastor Morgan stated that he resides at 2329 Mack Hill Drive near the southern most end of James Road and he was concerned about the Jones community in which James Road is the main artery. He has lived in that community for the last 36 years and that is the place where he and his children grew up. It was the home of his grandparents and his great-grandparents and there are many families whose history goes back further than his. There are also families who have moved there in recent years and they all cherish the community and its heritage. Pastor Morgan asked the Mayor and Council to accept the original and still pending recommendation that the Planning Commission made to the City Council on September 24, 2007. This recommendation asked the Mayor and Council to allow the County Planning Commission to continue speaking to the residents on James Road about proposed changes and their concerns. Residents of the community were thankful for the sensitivity of the Planning Commission and pray that the Mayor and Council will be as sensitive and responsive to the people. To go ahead tonight and approve plans to annex the property or to approve any aspect of the proposed James Road development without future forums to facilitate input and address the concerns of the affected residents would be unethical and morally wrong. The Planning Commission has recommended to the Mayor and Council to wait before finalizing any plans to develop James Road until the affected community has been heard. An entire community is counting on the Mayor and Council to accept this recommendation. The love, respect, and concern that Mayor and Council has for its long-time residents of not only the Jones community but the greater Valdosta area will be known by the actions of Council tonight. Mayor Fretti stated that he was at the Planning Commission meeting when they asked to table the request so that they could review the zoning and annexation of the site plan and he was not certain as to whether they asked for any additional public hearings. Mayor Fretti stated that he has asked that the Lowndes County Board of Commissioners consider additional public hearings with the community for the portion of James Road that is in the unincorporated area by the school that is not part of this development.

Jeremiah Lawton, 2315 Corey Drive, spoke in opposition to the request. Mr. Lawton stated that he was concerned about the 242.73 acres of land that would be developed without a full fledged presentation to the community to let them know exactly what was going to take place and how it will be done. The residents do not have any details about how it is going to affect them and they were told at a meeting at Westside School with the Lowndes County Superintendent and the School Board members who were present that there would be no changes in James Road. The County Engineers also stated that there would be no changes; however, a month ago they found out that this has already been developed. Someone in the area could have been called to discuss this and gain an understanding as to how it would impact the neighborhood. This is not a small development and they are talking about five-laning James Road. There are people who have been living there for a long time and their homes are

already close to the road so when you expand to five lanes it will be in their laps. They need to be telling these people that if the road comes to close then their homes would be moved back off the road or because of who they are they will have dirt dumped in their yard. Someone said they would only take space on the west side of James Road but there are homes there also. Mr. Lawton stated that he understood that Valdosta is going to grow and he expected it to grow, but they would like to be considered when someone comes into their neighborhood and tells them they are going to do things. They did have a forum at Thomas Baptist Church but they were not given an opportunity for input. They were allowed to ask a question or two but no one had any answers. They asked Gary Minchew some questions and he was not even certain about what would transpire at that meeting. Mr. Lawton stated that somebody should have come out six months ago or a year ago if this was in the planning stage. This has not been in the planning stage and it is something that has just come about. If these developers decide that they do not want to invest in Lowndes County then you are telling him that this is not a great project because it should take some time to consider all the concerns. Mr. Lawton asked Council's consideration in tabling the request and to look at what this is going to do to the area and how the concerns can be resolved.

Darryl Dove, 2829 Hunter-McCormick Road, spoke in opposition to the request. Mr. Dove stated that he was concerned about safety for his grandchild and the little children living next door to him. His grandson and other children catch the bus at 6:45 a.m. and the traffic is already bad. There are cars traveling up and down Hunter-McCormick Road all day long. Mr. Dove stated that his wife grew up in the house that they currently live in and it goes back six or seven generations. Mr. Dove asked Council to come out and see where they live because the development is going to cause a mess. If they block off Riverside Road, then Hunter-McCormick Road is the only road people could use to get to the cemetery besides coming in on Highway 84. Mr. Dove stated that this development will affect all of them and asked Council's consideration in not making a decision tonight.

James Mitchell, 2361 Corey Drive, spoke in opposition to the request. Mr. Mitchell stated that he was driving on James Road today and they already have the flags out where they are going to take people's land. Mr. Mitchell stated that he is from Detroit where there are shopping malls all over the place and inquired as to what would happen to the Mall in Valdosta. It is bad business to build two malls within a mile of each other. Mr. Mitchell stated that in 1958, he and his family lived near Moody Air Force Base and some people came in and bought all of their land and moved them out. The land is now a golf course. This new development on James Road will do the same thing and take the inheritance of those people living in that area. Mr. Mitchell stated that if the request is granted tonight then shame on Council because the people are not being considered.

Fred Davis, 2564 James Road, spoke in opposition to the request. Mr. Davis stated that he was not speaking against progress because Lowndes County and Valdosta is growing; however, he had an opposite side of the pros that take place with growth. Additional fire protection costs money and widening roads require more maintenance. If Council parked their cars on Highway 84 and on Northside Drive and watch the school buses go through, there are not enough police officers to prohibit people from disregarding the stop signs. If that cannot be done then how can you maintain a five-lane road in front of the school? Mr. Davis stated that he had an issue about what was said regarding the fact that the Lowndes County Board of Education knew about the widening of the road to four-lanes because he had never heard that. If you have a school then you can expect to have the widening of the road, but not five-lanes. There is a 55 mile per hour speed limit sign on James Road with two lanes and he has not seen a counter on the road to see how many vehicles are traveling that road. Mr. Davis asked Council's consideration in slowing down and talking to the people who live in that community because there are a lot of people who are hurt by who will not come before Council but they feel the pain.

**A MOTION** was made by Councilman Eunice to approve the request to annex and rezone 242.73 acres from Low-Density Residential (R-1), Highway-Commercial (C-H), and Conservation (CON) County to Planned Mixed-Use Development City as requested by Gary Minchew based on the submitted site plan dated October 3, 2007 and including the Planned Development Addendum dated October 11, 2007. Councilman Yost seconded the motion. Councilman Eunice stated that growth is a tough issue for people to deal with. Valdosta is a growing City and there can still be discussion with Council members and citizens that live in all areas of the City. The five-laning of James Road has not been voted on by the Lowndes County Commissioners or the City Council; however, there are deadlines that the developer must meet. Councilman Eunice stated that they have worked with property owners who are affected by the realignment of the road and he was in complete support of this development. Councilman Yost stated that there were several issues he wanted to address and Councilman Head had made quite a

few points when the discussion was open earlier and hoped he was not one of the prostitutes that Councilman Head had mentioned earlier. Councilman Head has an opinion and he wanted to hear it but he also wanted to hear the citizens' opinions. Councilman Yost stated that he would also give his opinion; however, he did want to hear whether this should be a go or not and he wanted to hear how it affects the citizens. Councilman Yost stated that he would always stand for that even though he may not agree with the opinion of others and he may not vote the way that they want, he would listen to what they have to say without categorizing them as a political prostitute. Councilman Yost stated that he wanted to apologize to those who live on James Road in the County for the County Commissioners behavior because if they negotiated the way they negotiate with the City on House Bill 489 and other issues then they have not treated you fairly and given you the opportunity to be educated on the issues. Councilman Yost stated that acting in haste had been mentioned tonight but he has educated himself on this issue and talked to people for and against this. He has asked questions in order to know the facts and his vote tonight will be yes on this issue. Councilman Yost stated that he knows as much as he needs to know in the period of time that they have been discussing this for the last month. The only time he has hurried on this issue was when he hurried back to Valdosta from Albany today so he could be at the Council meeting tonight to vote on this. He has not made a decision in haste. Councilman Yost stated that the fly-over is a separate issue and it will lead cars into and out of his district. There has not been a decision made by this Council about a fly-over. As far as traffic generated from this development, there will be a lot more traffic and a good portion of it will travel through his district. Councilman Yost urged Council, the Mayor, the City Manger, and the City Engineer to continue to work on this issue because his district does not need more traffic without some problem-solving in order to get people around. Councilman Yost stated that he appreciated all of those citizens who have spoke in favor and against this issue but he also appreciates the confidence the developer has in this City and the people who are going to invest approximately \$400 million into the future of the City. If the citizens want more jobs and higher paying jobs then they cannot have it all. Councilman Yost stated that he did not cast his vote lightly and appreciated the support that everyone has given Council on educating them on the issues and was 100% behind the project. Councilman Sumner stated that at the Work Session he had proposed two questions which were: (1) Was the zoning appropriate, and (2) Should it be annexed? The traffic situation on James Road is not part of the zoning issue and through the course of discussion, maybe something could be worked out to the benefit of the residents. Councilman Sumner stated that he would support the motion. Councilman Head stated that prostitutes are used by pimps and we have a lot of them in this City. When they come trying to twist your arm, sway you, call you, cajole you and say different things, then they are political prostitutes. Because a decision has to be made tonight and a contract option is about to expire, this is all about power, influence, and greed. The motion was adopted (5-2) with Councilman Head and Councilman Payton voting in opposition to enact Ordinance No. 2007-46, the complete text of which will be found in Ordinance Book XI.

Mayor Fretti stated that there would be a ten-minute recess at 7:30 p.m. The meeting was reconvened at 7:40 p.m. Councilman Wright left the Council meeting at 7:40 p.m. to attend another function.

### **ORDINANCE NO. 2007-47, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3**

Consideration of an ordinance to annex and rezone 137.79 acres from Estate-Agricultural (E-A), Low-Density Residential (R-1), and Residential-Agricultural (R-A) County to Highway-Commercial (C-H) City as requested by Westside Business Park, LLC (File #VA-2007-48). The property is located on the west side of St. Augustine Road north of Lloyd Jackson Road. The Planning Commission reviewed this request at their September 24, 2007 regular meeting and recommended approval (8-0 vote) with the following conditions: (1) A 25-foot bermed vegetative buffer be included along the west and south sides of the property where it abuts residential uses, (2) Lighting, where possible around the perimeter, should be pointed down and away from the adjacent residential areas, and (3) Pervious material should be utilized in parking areas where possible.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting annexation and rezoning of 137.79 acres, from Estate-Agricultural (E-A), Low-Density Residential (R-1) and Residential Agricultural (R-A) County to Highway Commercial (C-H) City. The property is currently undeveloped and the applicant is requesting annexation for City water and sewer services and would like to develop a distribution business. The general character of the area is a mixture of undeveloped land and low density residential. The Industrial Park is located on the South side of Lloyd Jackson Road. The developers would be required to install a 20-foot landscaped buffer along the western and southern portions of the property where it abuts residential uses.

The property is located in a rapidly developing area in close proximity to the I-75 corridor and an Industrial Park. The property's location along an Arterial Road and the length of that road frontage makes it suitable for a wide range of commercial uses. In May, 2007, a parcel across South St. Augustine Road was annexed into the City as Highway-Commercial (C-H) for a proposed commercial business park (File #VA-2007-16). In August, 2003, an adjacent parcel to the southeast was annexed into the City as Highway-Commercial (File #VA-2003-49). While there are well established low-density residential uses abutting to the south and west of the subject property, Staff felt these two uses could coexist as long as there are sufficient buffers in place to protect the existing residential developments. The Zoning Ordinance requires a minimum 20-foot buffer unless an opaque fence is erected. At the Planning Commission meeting, there were some residents with concerns regarding the impact of the proposed distribution center, specifically regarding the noise and lighting. The residents live directly to the west and south of the property. In order to accommodate the concerns of the residents, the Planning Commission recommended that a 25-foot bermed vegetative buffer be placed along the west and south sides of the property. The berm that is located at Hunter's Point near Wal-Mart was used as an example. The berm is planted with a variety of landscaping materials but specifically with Leland Cypress trees which are the dense evergreen trees located in the bulk of the berm. The berm, which is approximately 5-6 feet high and 9-12 feet high along the parking side, does a good job of visually screening the neighborhood from Wal-Mart. Also, other conditions were to have the lighting downward and directed away from the residential areas and a pervious parking area. Staff encouraged the applicant to speak with the City Engineer on the pervious parking material as it would need to be stable enough to accommodate large trucks. Mayor Fretti inquired as to whether this was directed toward containment of stormwater runoff. Anne-Marie Wolff agreed that this was an original concern and the engineering and stormwater requirements state that they contain all of the stormwater on site which could be met without the pervious parking. Councilman Sumner stated that the issue with the berm for Hunter's Point was not necessarily to block Wal-Mart but rather it was a commercial zoned area where residential development came in and there was no Landscape Ordinance at that time that had a chart where the buffering was done based on the circumstances. People would come to Council to negotiate and there were no set criteria to go by and it was dependent on what Council thought. Councilman Sumner inquired as to whether the Planning Commission and Staff felt that the buffering in the Landscape Ordinance was adequate and whether the berm was necessary. Anne-Marie Wolff stated that the Landscaping Ordinance does include provisions for landscaping and the Zoning Ordinance also includes provisions for buffering. In this case, the Ordinance would require a 20-foot landscaped buffer along the western and southern portions of the property where it abuts the residential uses; however, the 20-foot wide landscape buffer could be reduced to 10 feet if at the time of the development they constructed an opaque fence such as a wooden privacy fence. Anne-Marie Wolff stated that the buffer requirements could cover all bases and a distribution center which would be operating at odd hours could warrant some additional screening and buffering. Also, considering the size of the property, a 25-foot berm, which is only 5 feet wider than what the Ordinance requires should not have a negative impact. Councilman Sumner stated that for them to reduce it to 10 feet they would have to put a fence up and inquired as to whether a berm with Leland Cypress trees, which would take at least five to seven years to mature, would be more effective in the initial stages of the development than a fence. Anne-Marie Wolff stated that it would not be more effective in the initial stages of the development but looking into the future if the berm is of sufficient height and density it would have benefits in reducing the noise and lighting. Councilman Sumner inquired as to whether anything would be compromised in the Landscape Ordinance by doing away with that requirement and putting a berm in or would they still have to follow the requirements of the Landscape Ordinance. Anne-Marie Wolff stated that they would have to follow the requirements of the Landscape Ordinance and should Council chose to follow the recommendation of the Planning Commission and adopt that condition of the berm, then the planting within the berm could be applied toward the landscape requirements. It is at Council's discretion to reduce the width or not apply that condition at all. Mayor Fretti stated that a berm has been proven to absorb noise whereas a fence will reverberate noise back and forth and make its way into the neighborhood, and he would like to see more berms around town. Larry Hanson stated that the berm would not be required until such time that something is constructed. Mayor Fretti inquired as to how the applicant felt about the berm. Anne-Marie Wolff stated that she had not received any negative comments and the applicant's representative was at the Planning Commission meeting. Councilman Vickers stated that the northern end abuts a residential area and inquired as to whether the applicant was looking at the wooded area as the buffer. Anne-Marie Wolff stated that primarily they were looking at the western edge and the southern edge because they were anticipating the distribution center facing St. Augustine Road and there are some residential uses along the northeastern edge. Councilman Vickers inquired as to whether they could leave a wooded buffer. Anne-Marie Wolff stated that if there is any existing vegetation on the property they can leave that and even where they abut the residential use on the north they would

still need to meet either the 20-foot or 10-foot buffer with a fence. Councilman Vickers stated that he would rather see them leave a 25-foot vegetative buffer that is already there. Staff found the request consistent with the Comprehensive Plan and recommended approval of the annexation and rezoning. The Planning Commission reviewed this request at their September 24, 2007 regular meeting and recommended approval (8-0 vote) with the following conditions: (1) Buffering - A 25-foot bermed vegetative buffer be included along the west and south sides of the property where it abuts residential uses. This berm should be similar to that utilized between Hunters Point Subdivision and the Wal-Mart store located on Perimeter Road. (2) Lighting - Where possible around the perimeter, lighting should be pointed down and away from the adjacent residential areas. (3) Pervious Parking Areas - Where possible pervious material should be utilized in parking areas. Anne-Marie Wolff stated that if Council should chose to follow the buffering, it would be helpful if the condition was a 25-foot wide bermed vegetative buffer. Mayor Fretti inquired as to the height of the berm. Anne-Marie Wolff stated that it does not mention the height but the berm on the Hunter's Point side is 5-6 feet high and 9-12 feet high on the Wal-Mart side. Councilman Head stated that Councilman Vickers had mentioned having the natural 25-foot vegetation from the current growth without a berm. Anne-Marie Wolff stated that the condition could be restated to say that the buffer has to be 25 feet.

Bill Langdale, Attorney, 1006 North Patterson Street, spoke in favor of the request. Mr. Langdale stated that he represented the applicant, Larry Dean. This is a large tract of land and they were asked by the Industrial Authority to bring this property into the City for water and sewer services. The Industrial Authority is currently working with a tenant and they wanted to have the property available when the tenant is ready to make a decision on whether they would locate here. There is currently no immediate use for the property and they do not want to do any berming, landscaping, or buffering until there is some use for it. Mr. Langdale stated that he previously represented Hunter's Point and recommended the berm. He has extensive experience in berms and they do not work. They are a nuisance and a problem to maintain, and they are unsafe to work on with any type of rolling equipment. Also, most warehouses and distribution points, for security reasons, would rather have a fence instead of a berm. The same thing can be created with a mass bank that would shield the neighborhood which works well because it allows you to put up a fence and you can have the buffering to protect the neighborhood. Mr. Langdale asked Council to reconsider the berm. In regard to the pervious parking, there are very few cities that would allow pervious parking and almost all of them require concrete rather than paving. Mr. Langdale asked that this condition be removed as well as the berm and asked that Council follow the recommendation of the Planning Commission with those exceptions. They would be happy to follow the recommendation of the City Staff person as to how it should be designed to create the buffering that Council wants to protect the neighbors. Mayor Fretti inquired as to whether they would cut the 25-feet in half if they put up a fence because that is how the Ordinance reads. Mr. Langdale stated that it would be fine to leave it at 25-feet and they would also put up a fence. Larry Hanson stated that if the word "berm" is removed and substitute that with "fence" then you would have a 25-foot fenced, vegetative buffer but they would also have to follow the Landscape Ordinance. Councilman Head inquired as to how they would insure that that the conditions would be followed once the applicant is ready to develop the property. Anne-Marie Wolff stated that they enter all of the conditions that apply to the rezoning in the Geographic Information System (GIS) and prior to signing off of any plans, the system is checked and any conditions are noted on the zoning plans.

No one spoke in opposition to the request.

**A MOTION** by Councilman Sumner, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Ordinance No. 2007-47, to follow the recommendation of the Planning Commission to annex and rezone 137.79 acres from Estate-Agricultural (E-A), Low-Density Residential (R-1), and Residential-Agricultural (R-A) County to Highway-Commercial (C-H) City as requested by Westside Business Park, LLC, with the conditions that the buffering be a 25-foot fenced vegetative buffer, the lighting should be pointed down and away from the adjacent residential areas where possible, and the pervious parking area condition be deleted, the complete text of which will be found in Ordinance Book XI.

#### **ORDINANCE NO. 2007-48, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4**

Consideration of an ordinance to annex and rezone 9.37 acres from Medium-Density Residential (R-21) to Multi-Family Residential (R-6) as requested by Arthur Miller and Joe Jackson (File #VA-2007-49). The property

is located between the 3600 and 3700 blocks on the south side of Mt. Zion Church Road. The Planning Commission reviewed this request at their September 24, 2007 regular meeting and recommended approval of R-6S zoning (7-1 vote) with the following conditions: (1) All lots must face interior streets, (2) No cut-through to other developments, and (3) Minimum lot size is 8,000 square feet.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to annex and rezone 9.37 acres from Medium-Density Residential (R-21) to Single-Family Residential (R-6S) even though the application stated Multi-Family Residential (R-6). The property is currently undeveloped and the applicant intends to develop a 40-lot residential subdivision. The general character of the area is developing residential and there are still several large tracts of undeveloped land. The purpose of this Character Area is characterized by high to moderate building separation for predominately-residential uses with scattered commercial or civic uses. In accordance with the Valdosta Subdivision Regulations, there are two points of ingress/egress are off of Mt. Zion Church Road as well as connecting through to Brandonshire Lane, which is located in the Chadwyck Place Subdivision depicted on the site plan. The Planning Commission had recommended that a condition be placed on the request that the development not connect to Chadwyck Place; however, City Staff, which includes the City Engineer, Fire Chief, and the Planning and Zoning Administrator recommended that the subdivision does connect to Chadwyck Place for several reasons. Chadwyck Place has over 100 lots and they only have one ingress/egress point off of Inner Perimeter. This would open them up to a second ingress/egress which is good in case of an emergency. This would also limit the number of curb cuts on Mt. Zion Church Road to one as opposed to two if access is not connected to Chadwyck Place. The cut through traffic between the neighborhoods would not be a major concern because of the way that the streets are laid out in Chadwyck Place. It does not promote straight cut-through traffic and the proposed layout of the new development does not promote cut-through traffic. Anne-Marie Wolff spoke with the applicants about some of the concerns raised at the Planning Commission meeting regarding the lot size and the applicants are agreeable that the minimum lot size be 8,000 square feet. The homes will be between 1,900 to 2,000 square feet and the applicants will brick the front of the homes and the mailboxes as well as provide garages. The applicants are also interested in connecting to Chadwyck Place. Staff found the request consistent with the Comprehensive Plan and recommended approval of annexation and rezoning to R-6S with a minimum of 8,000 square foot lots, all lots must front interior roads, and the cut through to Chadwyck Place be permitted. The Planning Commission reviewed this request at their September 24, 2007 regular meeting and recommended approval (7-1 vote) of R-6S zoning with the following conditions: (1) All lots must face interior streets, (2) No cut-through to other developments, and (3) Minimum lot size is 8,000 square feet. Councilman Payton inquired as to whether there would be any adverse flooding of Chadwyck Place with this subdivision. Von Shipman, City Engineer, stated that the water from this development which currently runs into Chadwyck Place would be diverted into the regional detention facility.

Joe Jackson, 413 Old Statenville Road and 4102 Mt. Zion Church Road, and Arthur Miller, spoke in favor of the request. Mr. Jackson stated that they wanted to build some upscale homes on lots of 8,000 square feet whereas Hearthstone and Druid Oaks Subdivisions have lots of only 6,000 square feet and Chadwyck Place has lots of 4,000 square feet. All of the homes will have a brick front with concrete masonry fireplaces and each house will have a brick mailbox. Many residents thought that they were planning to build low-income houses but that is not the case. They had previously met with Georgia Good Sense Homes and they encouraged them to place a sign out front so that people would know about Georgia Good Sense Homes and Habitat. People who saw the sign thought they were going to build low-income houses. Randall Godfrey, Mr. Miller's son, is putting a lot of money into this development and the houses will be in the \$200,000 range. They would not put a Chadwyck-size house on an 8,000 square foot lot. Mr. Jackson stated that they will also have double garages and privacy fences. Councilman Payton inquired about the cut-through to Chadwyck Place. Mr. Jackson stated that at first they did not want the cut-through but they spoke with Randall Godfrey and he did not mind that.

Mark Flythe, 4223 Wilshire Drive, spoke in opposition to the request. Mr. Flythe stated that it was rumored that the subdivision was going to be a low-income development and if Council would agree to a 1,900 square foot houses then he did not have a problem with it. Mayor Fretti inquired as to whether the size of the house was predicated by the zoning. Councilman Head stated that the item before Council was the zoning and not the square footage of the house. George Talley, City Attorney, stated that Council could make it a condition. Mayor Fretti inquired as to the minimum square footage for a home in R-6S. Anne-Marie Wolff stated that it was 800 square feet. Councilman Payton inquired as to whether R-6S specified 8,000 square feet lots. Anne-Marie Wolff

stated that the only reason the R-6S talks about 8,000 square feet is because that is what the Planning Commission recommended; however, the Zoning Ordinance states that it is only 6,000 square feet per lot and 800 square feet for a house. Councilman Vickers stated that the applicant has already stated what he is planning to do. Mayor Fretti asked Mr. Jackson as to the size range of the homes and if there was a range that he would agree to. Mr. Jackson stated that the homes would be approximately 1,911 heated square feet. There is not a range but they want to be competitive and stick with the houses next door which are 1,900 square feet. Mr. Jackson stated that 800 square feet is a relatively small home and the reason they went to the R-6S was because it would give them 100 x 80 lots or 75 x 110 lots. Larry Hanson stated that the Mayor was inquiring as to whether there was an acceptable range that Mr. Jackson would consider for the homes such as a minimum of 1,600 square feet. Mr. Jackson stated that the smallest house they would build would be 1,700-1,800 square feet. Councilman Head stated that they have never made any other developer come in there and say that he would have to build a certain size house. Mr. Jackson has already stated that he would not build a small house and he did not want to tie his hands to building a certain size house. Mayor Fretti stated that there would not be a minimum house size considered by Council on this request.

Emily Johnson, 2845 Sapelo Drive, spoke in opposition to the request. Ms. Johnson stated that she lives east of the development and requested that it be rezoned to R-10 which requires a minimum of 10,000 square foot lots due to the houses being 1,900 square feet. The two neighborhoods located near Dewar Elementary are smaller houses but if you continue toward the railroad tracks toward Walden Woods houses go up to 2,200 square feet and the lot size goes up to approximately one acre. This is a very family-oriented residential neighborhood and with a lot size of one-quarter of an acre and a house that is almost 2,000 square feet it would be on a very small lot. Ms. Johnson asked Council's consideration in rezoning the development to R-10 to fit the neighborhoods in the area. Mayor Fretti inquired as to the minimum square footage of the homes in R-10 zoning. Anne-Marie Wolff stated that the minimum square footage of homes in R-10 is 1,000 square feet.

Carrie Gary and Grant Gary, 2953 Sapelo Drive, spoke in opposition to the request. Ms. Gary stated that their primary concern was the traffic flow and how it would impact their subdivision with the increasing number of cars that commute through the street, which is a connector street from Knights-Academy and Mt. Zion Church Road. The speed limit is 25 miles per hour but is rarely adhered to by those who are not residents of the neighborhood. They are also concerned about keeping their property values appropriately tied to the new construction in the area. Their main concern was that if Chadwyck Place is tied in then it will be a thorough-fare for those traveling from Inner Perimeter to Jaycee Shack Road and people will speed through the subdivision to Knights-Academy to connect to Bemiss Road. They have made numerous requests for patrol in the area and that happens for a couple of days and then it ceases. They have had incidents with slamming brakes and children on bicycles narrowly being missed by automobiles. Ms. Gary inquired as to whether any studies have been conducted as to how this development would impact those neighborhoods that are currently in the area. Mr. Gary stated that they were talking about just the building of houses in general because if you drive through town there are so many houses for sales so why is there a need to develop every piece of property. Mayor Fretti stated that Council does not take into consideration if the market is over built or not, but every house that is built and occupied will put more cars on the road. Mr. Gary stated that coming out of the neighborhood if they take a left there is a school zone but if they go right then you go straight through their neighborhood and end up on Knights-Academy Road and they by-pass the entire school zone. Ms. Gary stated that if there is a cut-through to Chadwyck Place then there is a potential for those people to come out as well.

Marcus Bechtel, 2841 Sapelo Drive, spoke in opposition to the request. Mr. Bechtel stated that he had the same concerns as there is increasing traffic in their neighborhood. One thing to reduce the possibility for the increase in traffic is not to join it with Chadwyck Subdivision. If the neighborhoods are joined with Chadwyck Place then all those residents who are military will go through their neighborhood to Knights-Academy Road to avoid Dewar Elementary School. If they do not join Chadwyck Place then that would alleviate that problem and keep the traffic on Forrest Street.

Councilman Payton inquired as to whether Mr. Jackson's first inclination was not to have the cut-through and would he have any objection if the cut-through was denied. Mr. Jackson stated that at first they did not want the cut-through. Councilman Eunice stated that if the cut-through was denied then they would have to have two access points onto Mt. Zion Church Road. Councilman Head stated that the City was the one who recommended the cut-through to Chadwyck Place.

Anne-Marie Wolff stated that after the Planning Commission meeting when that condition came up she spoke with both the City Engineer and the Fire Chief and the City Engineer agreed that the street layout for Chadwyck Place does not promote cut-through traffic. If you look at the streets near Sapelo Drive they are straighter and Chadwyck Place has several turns to get through the neighborhood. The Fire Department felt the need for a secondary access as per the Fire Codes and the Subdivision Regulations. Mayor Fretti inquired as to how far apart the entrances and exits would be on Mt. Zion Church Road. Anne-Marie Wolff stated that they would be on the edges of the development in order to meet the distance requirements and the entrance for Druid Oaks is just on the other side of the property line. Von Shipman stated that the general rule is 300 feet between streets and recommended that if the connection is made to put in a calming island that would force people to travel around the common island at a slow rate of speed.

**A MOTION** was made by Councilman Payton to follow the recommendation of Staff to annex and rezone 9.37 acres from Medium-Density Residential (R-21) to Single-Family Residential (R-6S) as requested by Arthur Miller and Joe Jackson with the following conditions: (1) Cut-through to Chadwyck Place Subdivision, (2) All lots must face interior streets, and (3) Minimum lot size of 8,000 square feet. Councilman Head seconded the motion. Councilman Sumner inquired as to whether there would be consideration for a calming island. Mayor Fretti stated that there was no consideration for a calming island. The motion was unanimously adopted (6-0), to enact Ordinance No. 2007-48, the complete text of which will be found in Ordinance Book XI.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 2007-49, AN ORDINANCE AMENDING THE TREE AND LANDSCAPE ORDINANCE**

Consideration of an amendment to the Tree and Landscape Ordinance.

Eric Hahn, Interim Parks and Recreation Director, stated that clarification is needed in the section of the ordinance pertaining to the replacement of specimen trees. The current wording could be construed to mean that minimum landscape requirements are not to be exceeded regardless of the number or size of specimen trees removed. The intent is to allow for all significant trees to be replaced in some way or for effort to be encouraged that would preserve specimen trees on the site. The current section in the Tree & Landscape Ordinance (Ordinance No. 2005-25) Section 9-4005, Permits, H. Tree Removal Permit for Specimen and Canopy Trees, (2)(d)(3) should be replaced with the following revision: (3) Specimen trees located within an area defined as the building footprint and a 15 feet wide extension of the footprint on all sides shall be exempt from replacement. All other specimen trees removed from the entire site shall be subject to one of the following: (A) Replacement trees shall be planted on the site provided that requirements of section 9-4005 C.1.o. of this ordinance can be met. Trees planted to fulfill specimen tree replacement requirements are in addition to the minimum planting requirements stated in section 9-4005, C. General Requirements of this ordinance. (B) Trees planted to meet the minimum landscape requirements may have a larger caliper than the minimum requirements. Each inch of additional caliper above the minimum requirements may be used toward the required replacements of specimen and/or canopy trees. (C) Funds will be placed in the Tree Bank established under this chapter at the rate of \$50.00 per diameter inch DBH. Funds in the Tree Bank shall be used to install trees on public property, entrances to the city or other approved property. A combination of increasing the number of trees, increasing the size of trees and Tree Bank credits can be used. All projects shall be approved by the Valdosta Tree Commission. Eric Hahn recommended that Council approve the amendment to the Tree and Landscape Ordinance.

**A MOTION** by Councilman Head, seconded by Councilman Yost, was unanimously adopted (6-0) to follow the recommendation of the Interim Parks and Recreation Director and enact Ordinance No. 2007-49, to amend the Tree and Landscape Ordinance, the complete text of which will be found in Ordinance Book XI.

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

Consideration of bids for Sensus Meters for the Water and Sewer Department (Bid No. 14-07-08).

Greg Brown, Purchasing Agent, stated that the Water and Sewer Department is in the process of changing out manual read meters to the newer touch meters which will allow the meter reader to touch a wand to the actual meter and instantly read the months usage. The price will be locked in until June 30, 2008 for future purchases. Sealed bids were received on October 2, 2007 with the low bid submitted by H.D. Supply in the amount of \$89.63 per meter. Several other companies did not respond to the invitation to bid. The price is approximately \$3.00 less than what the City has been paying. Greg Brown recommended that Council approve the low bid submitted by H.D. Supply in the amount of \$448,150 or \$89.63 per meter and allow the Water and Sewer Department to proceed with the purchase.

**A MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (6-0) to follow the recommendation of the Purchasing Agent and approve the low bid submitted by H.D. Supply in the amount of \$448,150 or \$89.63 per meter and allow the Water and Sewer Department to proceed with the purchase of Sensus Meters.

Consideration of bids for a Ford Escape Hybrid vehicle for the Zoning Department (Bid No. 15-07-08).

Greg Brown, Purchasing Agent, stated that the Zoning Division is in need of a new vehicle to assist with their duties. This vehicle is a hybrid which runs on gas and electricity. This is a Council-approved budget item for this fiscal year. Sealed bids were received on October 2, 2007 with the low bid submitted by Legacy Ford in the amount of \$22,913. Several other dealers did not respond to the invitation to bid. Greg Brown recommended that Council approve the low bid submitted by Legacy Ford in the amount of \$22,913 and allow the Zoning Division to proceed with the purchase.

**A MOTION** by Councilman Eunice, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the low bid submitted by Legacy Ford in the amount of \$22,913 and allow the Zoning Division to proceed with the purchase of a Ford Escape Hybrid vehicle.

Consideration of a request to purchase three In-Car Camera Systems for the Police Department (Bid No. 16-07-08).

Greg Brown, Purchasing Agent, stated that the Valdosta Police Department has funding allocated from the Governor's Office of Highway Safety (GOHS) Highway Enforcement of Aggressive Traffic (HEAT) Grant Program for 2006 to purchase three digital in-car camera system at a cost \$16,687.50. Local budgetary funds of \$187.50 will be added to purchase the three systems. The Police Department has previously been granted funds to purchase new and improved Digital In-Car Camera Systems using funds provided by the Governor's Office of Highway Safety. If this purchase request is approved, the equipment will be placed in departmental vehicles designated as GOHS HEAT Vehicles. The entire Police Department in-car camera systems has been designed by and purchased from Motorola Inc. to ensure component compatibility and interoperability and this purchase would be an upgrade from the current in-car cameras. In the event in-car camera systems from other vendors were selected, the equipment would be incompatible with the current in-car camera system and with current plans by Motorola to upgrade the entire In-Car Camera System operated by the Police Department at no charge to the City or Police Department. Also, there is no local repair shop to support maintenance for other in-car camera system vendors. Greg Brown recommended that Council approve the request to purchase three In-car Camera Systems from Motorola Inc. in the amount of \$16,687.50 for the GOHS HEAT Vehicles

**A MOTION** by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (6-0) to approve the request to purchase three In-car Camera Systems from Motorola Inc. in the amount of \$16,687.50 for the Police Department.

Consideration of a request to approve a contract with Camp Dresser and McKee, Inc. for installation of a new water well and acquisition of an additional well field site.

Leon Weeks, Director of Utilities, stated that the City of Valdosta well field system consists of eight wells each rated individually at 2.16 million gallons per day (MGD). The well field is capable of producing 15 MGD. In addition, the City has access to two emergency wells which are on standby status. The City recently completed the

upgrade of the water treatment plant and increased its capacity to 22.5 MGD; however, the City has access to only 15 MGD of water. In addition to the water production limit by the existing eight wells, the City must be cognizant of detrimental effect that installation of additional wells in the existing field may have on the water quality and quantity. An evaluation of existing wells was performed by Georgia Environmental Protection during Fiscal Year 2002. The study revealed that Well # 3 was affected by surface water intrusion. Upon this determination, the City was required to close the well or correct the condition. Historically, the City has divided the wells into two groups and has produced water from one group at the time. Due to inoperability of Well # 3, the ability of the Staff to maneuver to deliver the optimum quality and quantity of water has been affected. On May 31, 2002, the City of Valdosta entered into an agreement with Camp Dresser & McKee Inc. (CDM) and in accordance with the contract and the addendum, the City of Valdosta could authorize additional work to be performed by CDM subject to adjustment of the contract. CDM has submitted two proposals for performance of work to evaluate Well # 3 and to locate one or more sites for development of a new well field to supply all future needs of the City. Leon Weeks recommended that Council approve the request to award the contract to evaluate Well #3 which includes review of existing water quality and well construction data, well redevelopment, video survey, dynamic fluid logging, water quality testing, and a performance based recommendation for the rehab or replacement of Well #3 in the amount of \$56,925 and for CDM to acquire an additional well site which includes searching for a suitable site, attainment of data on each site, performance of groundwater models on each site, and submission of a Technical Memorandum to the Georgia Environmental Protection Division for their concurrence in the amount of \$38,230.

**A MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (6-0) to follow the recommendation of the Director of Utilities and approve a contract with Camp Dresser and McKee, Inc. to evaluate Well #3 in the amount of \$56,925 and to acquire an additional well site in the amount of \$38,230.

Consideration of a request to approve additional Service Agreements with Jackson Person & Associates, Inc. for the Martin Luther King, Jr. Corridor Project.

Von Shipman, City Engineer, stated that Jackson Person & Associates, Inc. was awarded a contract for Master Planning and Site Design Services on July 21, 2004. While this project was derailed for some time due to personal issues expressed by the design professional, the project is now back on track and final plans should be submitted by the end of the year. This will allow the Georgia Department of Transportation's (DOT) consultant to review the plans in January and the project being bid out in early spring of 2008. Three additional service agreements are needed to keep this project moving. The first is a lump sum fee of \$15,395 for the design and construction drawings of a pre-engineered restroom facility. The facility is to be tentatively located at the southwest corner of South Patterson Street and Florida Avenue which allows the facility to be used by both MLK Corridor and Olympic Park visitors. Jackson Person & Associates will be using IPG Architects as a sub-consultant. The second is a lump sum fee of \$8,850 for an Environmental Site Assessment (ESA) Phase 1 Report on the entire MLK Project Corridor per DOT requirements. The third is a lump sum fee of \$5,650.00 for the development of a Concept Report per DOT requirements within ten days of authorization. After discussing this with the City Manager, Von Shipman recommended that the lump sum fee for the design and construction drawings for the restroom facility be withheld and that the City work with a local architect to get the project under construction very quickly using funding from the Parks and Recreation Department. The City would also need to move forward with the Environmental Site Assessment and development of the Concept Report because they are required by the DOT with the understanding that the plans must be completed by February 1, 2008 and ready to go out to bid without any further delays. Von Shipman stated that he spoke with Mr. Jackson who was in California and he understands the frustration and concern and pressure will be applied to get the project going. Von Shipman also spoke with Rob Evans, IPG Architects, and he has not been contacted about a fee so it should be a lot less.

**A MOTION** by Councilman Head, seconded by Councilman Eunice, was unanimously adopted (6-0) to approve lump sum fees of \$8,850 for an Environmental Site Assessment (ESA) Phase 1 Report on the entire MLK Project Corridor per Georgia Department of Transportation requirements and \$5,650 for the development of a Concept Report per Georgia Department of Transportation requirements within ten days of authorization with Jackson Person & Associates, Inc. for the Martin Luther King, Jr. Corridor Project.

Consideration of a revised Service Delivery Agreement to be effective until June 30, 2008.

Mayor Fretti stated that this Agenda Item has been withdrawn.

Consideration of a request to approve the survey/design portion of the James Road Widening and Realignment Project inside the City limits.

Von Shipman, City Engineer, stated that he has been concerned for many years about the close proximity of the James Road/St. Augustine Road intersection with I-75. A concept to realign James Road was developed in late 2001 across property already inside the city limits. The realignment concept was then revised in 2006 to accommodate the desire of the proposed Toyota Dealership to keep a portion of their property connected to the new road alignment. Lowndes County approached the City in late 2005 regarding their desire to spearhead the widening of James Road between U.S. 84 and SR 133 (St. Augustine Road). Their goal was to prepare widening plans and seek DOT assistance in the form of a County-State aid contract. The County is seeking City participation on the portion of the survey/design cost inside the City limits. Due to the House Bill 489 negotiations, a decision was made to delay bringing this to the City Council until now. The County has hired Lovell Engineering and Associates to survey/design the proposed road-widening project at a cost of \$173,250. The portion of the project inside the City is 16% and the County would like the City to pay \$27,720 of the cost. Von Shipman recommended that Council approve the \$27,720 for the prorated share of the cost to survey/design the portion of the James Road Widening and Realignment Project inside the city limits.

**A MOTION** was made by Councilman Vickers to pay 16% or \$27,720 of what the County is requiring for the survey/design portion of the James Road Widening and Realignment Project inside the City limits. Councilman Eunice seconded the motion. Councilman Payton inquired as to whether the project would be for three, four, or five lanes. Larry Hanson, City Manager, stated that the City was asked to consider only the portion within the City and that will be a five-lane road. The motion was adopted (5-1) with Councilman Head voting in opposition.

Consideration of a request for sponsorship of the Valdosta Sports Hall of Fame Inaugural Ceremony.

Larry Hanson, City Manager, stated that he received a letter from the Valdosta Touchdown Club announcing plans for a new Sports Hall of Fame which will further the tradition of the former Valdosta-Lowndes County Sports Hall of Fame previously sponsored by the Boys and Girls Club from 1978 to 1999. Athletes from all sports will be recognized. The inaugural ceremony for the Hall of Fame is scheduled for Thursday, November 8, 2007 at 7:30 p.m. at the James H. Rainwater Conference Center and 16 athletes will be inducted. Tables for eight will be available for \$500 per table and special recognition of table sponsors will be mentioned in the Hall of Fame program. Larry Hanson recommended that Council approve the request to purchase a table for \$500 at the Hall of Fame Ceremony.

**A MOTION** by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the request for sponsorship of a table in the amount of \$500 for the Valdosta Sports Hall of Fame Inaugural Ceremony.

Consideration of a request for \$5,000 from Arvin Berry for funding reimbursement for the Harvey Moore Classic from the Mayor and Council Contingency Fund.

Larry Hanson, City Manager, stated that he had received a request from Arvin Berry of the Harvey Moore Azalea City Classic for funding for the football game held Labor Day weekend. Mr. Berry is requesting a \$5,000 contribution from the City to offset losses he incurred in fulfilling the terms of his agreement as the promoter for the event. He has provided a breakdown of his expenses and revenue for the event and incurred approximately \$56,238.23 in expenses and approximately \$43,107.00 in revenues. Mr. Berry has \$10,100.85 in unpaid bills and is requesting \$5,000 from the City to assist with this shortfall. Larry Hanson stated that this is a good event for our community and recommended that if Council considers funding it should be a portion that the City could justify such as the law enforcement portion which was \$4,690.

**A MOTION** was made by Councilman Yost to deny the request for \$5,000 from Arvin Berry for funding reimbursement for the Harvey Moore Classic from the Mayor and Council Contingency Fund. Councilman Sumner seconded the request. The motion was tied 3-3 with Councilman Vickers, Councilman Payton, and Councilman Head voting in opposition. The Mayor broke the tie voting against the motion to deny the request. The motion failed (3-4).

Mayor Fretti stated that there would need to be a motion in the positive as directed by the City Attorney to pay the bill.

A **MOTION** was made by Councilman Head to pay the bill. Councilman Payton seconded the request. Councilman Eunice inquired as to what was being reimbursed. Mayor Fretti stated that the City Manager described what was to be reimbursed. Councilman Eunice inquired as to whether what the City Manager stated was what the motion was for. Councilman Head stated that he made his own motion and that was to grant the request for \$5,000. Councilman Eunice inquired as to whether the police costs were being reimbursed. Councilman Head clarified his motion and restated the motion which was to grant the request to pay the law enforcement officers. Councilman Head stated that he thought that was understood from what the City Manager said earlier when he cited the types of things that were acceptable. The motion was tied 3-3 with Councilman Sumner, Councilman Yost, and Councilman Eunice voting in opposition. The Mayor broke the tie voting in favor of the motion. The motion was adopted 4-3.

Consideration of an appointment to the Valdosta-Lowndes County Zoning Board of Appeals.

Larry Hanson, City Manager, stated that Todd Wilson's term on the Valdosta-Lowndes County Zoning Board of Appeals expired on August 8, 2007. Mr. Wilson has stated that he does not want to serve again. The Valdosta-Lowndes County Board Zoning Board of Appeals submitted the following names for consideration: Melissa Boatenreiter, Marketing Officers, Farmers and Merchants Bank, David E. Blevins, Owner, Greenhouse Properties, LLC, and Scott Orenstein, Contractor, M & M Construction Company. Mr. G. L. McLendon has asked that his name be removed from consideration for the Valdosta-Lowndes County Zoning Board of Appeals. There are a number of other appointments coming up within the next 30-60 days and Mr. McLendon is interested in serving on one of those Boards.

Mayor Fretti asked for nominations. Councilman Head placed in consideration the name of Scott Orenstein. There being no other nominations, Scott Orenstein was appointed by acclamation to serve a term of three years on the Valdosta-Lowndes County Board Zoning Board of Appeals.

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

Larry Hanson, City Manager, introduced Jan Harris, the new Main Street Director, and stated that we are pleased to have her here. Jan has been a Main Street Manager for several years in several communities including Commerce and Acworth, and she is one of only four nationally certified Main Street Managers in the State.

There will be a lunch meeting on Monday, October 22, 2007 at 11:00 a.m. in the Multi-Purpose Room in the Annex Building to discuss the progress on the review of the Land Development Regulations with the consultants, Jordan, Jones & Goulding.

Larry Hanson, City Manager, thanked everyone involved in hosting the Chinese delegation in Valdosta recently and noted that the second group from China will be in Valdosta October 24-27, 2007. Details for their visit will be provided to the Mayor and Council.

### **COUNCIL COMMENTS**

Mayor Fretti welcomed back Kelli Hernandez of the Valdosta Daily Times and noted that she will be covering the Council meetings. Also, there will be a the Big Read event will be held on Sunday, October 14, 2007, and the Heartwalk is scheduled for November 8, 2007.

### **ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (6-0) to adjourn the October 11, 2007 meeting of the Valdosta City Council at 8:55 p.m. to meet again in regular session on Thursday, October 25, 2007.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta