

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, DECEMBER 10, 2009
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, Tim Carroll, Alvin Payton, Jr., Willie Head, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Pastor Jeff Brown, Seventh Day Adventist Church, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

Mayor Fretti entertained a motion for the awards and presentations.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the awards and presentations.

SPECIAL PRESENTATION FOR COUNCILMAN WILLIE T. HEAD, JR.

Special Presentation for Willie T. Head, Jr., outgoing Mayor Pro Tem and City Councilman for District 2.

Mayor John J. Fretti stated that Mayor Pro Tem and City Councilman Willie Head would be leaving his office at the end of the year and thanked him for his service to the City of Valdosta. Mayor Fretti presented Councilman Head with a photograph of all the Council members with the TitleTown trophy as well as a framed print of City Hall. Councilman Head thanked Mayor Fretti and the Council members for their support during his tenure on the City Council and the citizens of District 2. He thanked Larry Hanson, City Manager, Teresa Bolden, City Clerk, and Shirley Britt, Associate City Clerk, for their assistance and support during his time on the Council. Councilman Head also thanked Robert Jefferson, a close friend, and his wife Jacquelyn for all of their support.

PRESENTATION OF THE DECEMBER, 2009 EMPLOYEE OF THE MONTH AWARD

Consideration of the December, 2009 Employee of the Month (Scott Nobles, Utilities Department).

Scott Nobles began his employment with the City of Valdosta in October, 1995 as a Utility Service Worker and was promoted to Location Technician in January, 1997. After leaving the City for about a year to work in the private sector, he was re-employed with the City in October, 1998 as a Heavy Equipment Operator in the Water and Sewer Department. In October of 1999, he was promoted to the position of Supervisor in the Storm Drainage Division, the job he currently holds. In his position as Stormwater Supervisor, Scott is responsible for the supervision of 12 employees on the Stormwater Maintenance crews. These crews perform all preventative maintenance and emergency responses to the City's stormwater system. Scott also works with the Stormwater Superintendent to obtain the documentation needed for the City's annual Stormwater permit report which includes information on inspections, cleanings and work order completions throughout the year. Since his original hire date with the City, Mr. Nobles has gained valuable experience in many different occupations in the Utility Department prior to his promotion to Supervisor. This experience coupled with his knowledge of the City's Utility infrastructure has proven to be a valuable asset. This was evident during and after the flood earlier this year and most recently during his emergency response to a collapsed sewer manhole. His quick action played a key role in the repair of the manhole which included stabilization of the stream bank which allowed the City to quickly restore the manhole's function without an extended disruption in service or environmental exposure. It has been said that experience tells you what to do but confidence allows you to do it. It is evident that Mr. Nobles' leadership abilities and years of knowledge have served the citizens of Valdosta well on many occasions and he is to be commended for his efforts. For these reasons and many others, the Employee Relations Committee nominated Scott Nobles as Employee of the Month.

Consideration of a presentation for the Preserve America Designation.

Emily Foster, Historic Preservation Planner, stated that in October, 2009, Valdosta was designated as a Preserve America Community by First Lady Michelle Obama, Honorary Chair of Preserve America. This program is a Federal initiative that encourages and supports community efforts to preserve and enjoy our priceless cultural and natural heritage. This designation recognizes the City's commitment toward historic preservation shown by several public and private efforts. As a Preserve America Community Valdosta enters a distinguished group that protects and celebrates their heritage, uses their historic assets for economic development and community revitalization, and encourages citizens to experience and appreciate local historic resources through education and heritage tourism programs. Valdosta is now eligible for the Preserve America Grant Program. Communities receiving the official designation as a "Preserve America Community" undergo a thorough application process, during which they must meet specific criteria demonstrating the community's commitment to historic preservation. On October 7, 2009, the City of Valdosta was designated a Preserve America Community. Initiatives that qualified our community include: (1) Valdosta City Council's adoption of a Resolution indicating the City's commitment to preserving its heritage and historic assets (Resolution 2009-15), (2) The City of Valdosta's partnership with the Valdosta Heritage Foundation in aiding the restoration of the historic Roberts House, Valdosta's oldest home, (3) The public inventory of historic properties through the 2008 Historic District Survey, which identified contributing and noncontributing properties, (4) The existence of a community-supported museum, archive, and local history records collection, as evidenced by the Lowndes County Historical Society and Museum, (4) The existence of a local governmental board charged with leading historic preservation activities within the community, as evidenced by the Valdosta Historic Preservation Commission, (5) The existence of a local Historic Preservation Ordinance and professional staff to implement it, as evidenced by Chapter 238 of the Land Development Regulations and the City's Special Projects/Historic Preservation Planner, (6) A local heritage tourism program with promotional material, shown by the Valdosta-Lowndes Convention and Visitors Bureau's Historic Driving Tour Brochure and Valdosta Main Street Program's Historic Walking Tour of Downtown Valdosta, and (7) A regularly scheduled heritage observance or event, demonstrated by the annual holding of the Brown Bag Lunch Concert Series on the historic Lowndes County Courthouse lawn during National Historic Preservation Month. Benefits of Preserve America Community designation include the following: (1) White House recognition, (2) eligibility to apply for Preserve America Grants, which range in amounts from \$20,000 to \$250,000, (3) a certificate of recognition, (4) a Preserve America Community road sign, (5) authorization to use the Preserve America logo on signs, flags, banners, and promotional materials, (6) listing in a Web-based Preserve America Community directory, (7) inclusion in national and regional press releases, (8) official notification of designation to state tourism offices and visitors bureaus, and (9) enhanced community visibility and pride. Preserve America Communities are also featured in National Register Travel Itineraries and in "Teaching with Historic Places" curriculum material created by the National Park Service. Emily Foster presented Mayor Fretti with an official Preserve America Community Certificate.

PRESENTATION OF THE 2009 GREATER VALDOSTA COMMUNITY CHRISTMAS PARADE AWARD WINNERS

Presentation of the 2009 Greater Valdosta Community Christmas Parade Award Winners.

Mayor Fretti stated that the 2009 Greater Valdosta Community Christmas Parade was sponsored by Ossipe Temple #65, the City of Valdosta, Coca Cola, and the Valdosta Daily Times. Mayor Fretti and members of Ossipe Temple #65 presented the following Christmas Parade Awards: Third Place – Cub Scout Pack 454, Second Place – New Season Church of God, and First Place – Outback Riders. The proceeds raised by Ossipe Temple #65 through parade entry fees were donated to various charities.

SPECIAL RECOGNITION OF THE GEORGIA SEARCH AND RESCUE (GSAR) TASK FORCE NO. 2

Special recognition of the Georgia Search and Rescue (GSAR) Task Force No. 2.

Mayor Fretti stated that on Monday, December 7, 2009 at approximately 5:30 p.m. the Clinch County Emergency Management Agency contacted the Lowndes County 911 Center requesting assistance to perform a

rescue in an elevated water tank in Homerville. The 911 Dispatcher notified the Valdosta Fire Department of the request and after following the Department's Standard Operations Procedure that governs requests for mutual aid, the Georgia Search and Rescue (GSAR) Team housed at the City of Valdosta's Fire Department was quickly assembled. In less than one hour, the GSAR rescue team was on the scene and in control of the incident. The incident involved three workers who were cleaning the inside of the 500,000 gallon water tank 150 feet above ground. The workers were using a platform that collapsed causing them to fall some 50 feet to the bottom of the water tank. The GSAR Rescue Team climbed to the height of the water tank, lowered themselves inside using ropes, and secured each victim. After placing the injured workers into specially made sleds, the Rescue Team proceeded to lower the injured workers down the large middle pipe from the water tank to EMT's waiting on the ground. Once the victims were secured on the ground they were transported by ambulance to South Georgia Medical Center for treatment. Members of the GSAR Task Force who participated in the rescue were: Firefighter Phillip Womack, Sgt. Mike Crump, Sgt. Blake Whitehead, Sgt. Ricky Alderman, Sgt. Joe Bruhl, Sgt. John Herpin, Lt. Chad Roe, Lt. Matt Davis, Lt. Billy Young, Capt. Frank McMillan, and Capt. Ken Gallagher. Mayor Fretti thanked Capt. Ken Gallagher and the GSAR Rescue Team for their efforts in a successful rescue.

APPROVAL OF MINUTES

The minutes of the November 19, 2009 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Bill Brannen, 3607 Meadowdale Drive, stated that he would like for the City to participate in a Solar Cities Program. Approximately 10,000 people die every year in the southeastern United States from air pollution. Mr. Brannen's company, 21st Century Telecommunications, is in renewable technologies and developing content for that particular area. There are several solar installers in Valdosta that he will be working with and he would like for the City to become a solar city. Mayor Fretti stated that the City is always looking for alternative sources of energy and asked that Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority, meet with Mr. Brannen about some new initiatives. Mr. Brannen stated that he was also concerned about the Martin Luther King, Jr. monument and in order to get the full gist of Dr. King's legacy, they should do more. He would like to make Pinevale High School a historic black college which would help to alleviate some problems in the City. Dr. King lived not only for black people but for everyone and we should make the street in front on the Courthouse a State road with Dr. King's name all the way to the Interstate. This would be a great economic development component because people coming to Valdosta would see that we have changed and become better citizens toward racial relations in the City.

John Robinson, 3227 San Juliene Circle, Lake Park, stated that there have been previous discussions about the Valdosta Small Emerging Business Program and the disparity study and they have not come to any agreement. This City is now a Metro City and there are some problems along racial lines. The way that it needs to be addressed as a whole and as a people is to create jobs and share power. The City is set up with all white structure power and there are people in positions as Councilmen, but we need to realize that it is time to have some economic development on the south side of town. Mr. Robinson stated that he would take legal position with the brotherhood of concerned citizens and on behalf of the Black Business Association for economic development and the word minority is no longer used. Everyone will need to become involved so that we as a City can sit down and start discussing issues. There has not been anything fair about people getting jobs and projects. Mr. Robinson stated that he was a former business owner and worked for waste management as a vendor since 1983. He has done work throughout the states of Georgia and Florida and refurbished sanitation equipment. He also has general contractors in his family. Mr. Robinson stated that he has esophageal cancer and has approximately three to five years to live but he is dedicating the rest of his days to promote entrepreneurship. He was informed by predominate people in the community when he came here that the City was run by good ole boys and there was no need for his business to come here and think that he would get involved with a major corporation because it was not going to happen. These are the people who are involved in real estate and other areas in the City so he did not believe that; however, he is now convinced. We can resolve these problems if we can sit down and discuss how we got here over this period of time and then come to a resolution.

George Boston Rhynes, 5004 Oak Drive, stated that he was traveling through Hudson Docket several weeks ago and found sewage spewing up out of the ground. He called 911, the TV stations, and the news media and immediately the City came out and fixed the problem. After they fixed it though no one came to clean up the mess that had been made on the street. The water ran from the sewage into a drain and he was told that was not good for human beings. Mr. Rhynes asked the people in the neighborhood about it and they told him it had been happening for approximately six years. He has spoken with Mark Stalvey about it. Also, Mr. Rhynes stated that he was also still looking for an answer for the City Council meetings being televised and he would like for the radio stations to be able to broadcast the meetings as well.

PUBLIC HEARINGS

REQUEST TO CHANGE THE NAME OF PALLBEARER ROAD

Consideration of a request to change the name of Pallbearer Road.

Von Shipman, City Engineer, stated that Pallbearer Road was formerly a County road and there is no record of how the name Pallbearer Road was assigned. The owner/developer of the Campus Crest Apartment Complex has petitioned the City to consider changing the name of the street to be a continuation of Baytree Road because the apartment complex will face toward I-75. The owner/developer has contacted the owner of the cemetery to confirm they do not have a problem with the name change. The City Engineer confirmed this by contacting the owner of the cemetery directly. A public hearing for the proposed name change has been advertised as required in the local newspaper. If approved the name change will officially go into effect in 60 days. The proposed apartment complex will soon break ground and be completed by the end of July. Councilman Carroll inquired as to whether the owner had considered Campus Crest Drive versus changing. Von Shipman stated that the owner is aware that Baytree Road may be extended as a future flyover and the apartment complex will be called The Grove so they may want to change the name to Grove Drive in the future. Councilman Vickers inquired as to whether the church that owns the cemetery is aware of the request. Von Shipman stated that the church is aware of the proposed name change.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Head, seconded by Councilman Yost, was unanimously adopted (7-0) to change the name of Pallbearer Road.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE WITHDRAWN

Consideration of an Ordinance to rezone 11.53 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-M) as requested by Jimmy Bennett (File No. VA-2009-22). The property is located between Hickory Road and Harmon Drive. The Planning Commission reviewed this request at their September and October regular meetings and recommended postponement until the November regular meeting (6-2 vote). Mayor and Council postponed the request at the October 8, 2009 and the November 5, 2009 regular meetings until the December 10, 2009 regular meeting.

Mayor Fretti stated that the applicant has withdrawn this request.

ORDINANCE NO. 2009-48, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Title 2, Section 214-3 Corner Lots, Section 242-5 Amendments, Section 214 Development Standards, Chapter 218 Land Use, Chapter 110 Definitions, and Chapter 230 Sign Regulations as requested by the City of Valdosta (File No. VA-2009-25).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that due to the complexity of the new Land Development Regulations, it was anticipated that various text amendments would need to occur. This request represents the fourth in a series of Text Amendments. Each proposed Text Amendment is as follows: (1) Text Amendment #1 - Section 214-3 Corner Lots - To improve the standards protecting sight visibility and to direct readers to Chapters 230 and 332 for additional information. (2) Text Amendment #2 - Section 242-5 Amendments - To allow the withdrawal of an application up until the Council Work session and to clarify when refunds will be provided. (3) Text Amendment #3 - Section 214 Development Standards - To provide setback standards for corner lots and to reduce setback standards for M-1 and M-2 lots when adjacent to other M-1 or M-2 zoned lots. (4) Text Amendment #4 - Chapter 218 Land Use - To amend the districts in which the various types of Day Cares are permitted so the regulations are more in keeping with previous Council decisions, to clarify Supplemental Regulations for Day Cares, to provide allowances for Mobile Car Washes in residential districts provided an Administrative Permit is received first, to permit Photography Studios in C-H districts. (5) Text Amendment #5 - Chapter 110 Definitions - To amend the definitions of the various types of Day Cares so they meet those of the State. (6) Text Amendment #6 - Chapter 230 Sign Regulations - To clarify the temporary sign provisions and allow the use of banners for properties currently for lease or sale. They can either have a banner or a free standing sign but not both and it will be one sign per street frontage. Banners should not be used on residential lots and those should just be the typical yard signs. The first sentence of the Text Amendment should read as follows: Temporary free standing signs that are not to exceed 6 square feet in residential zones and temporary free standing or building signs that are not to exceed 32 square feet in commercial or industrial zones. Each of the proposed Text Amendments strengthens the implementation of the Land Development Regulations, provides clarification, and/or offers flexibility regarding development standards. Staff found the proposed Text Amendments consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their November 30, 2009 regular meeting and recommended approval with a vote of 8-0. Councilman Vickers inquired about the refunds. Anne-Marie Wolff stated that the bulk of the application fee is to pay for the legal advertisement in the newspaper and it is run within two weeks of accepting the application. The verbiage states that a refund would be allowed if the legal advertisement has not been run yet.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Ordinance No. 2009-48, an Ordinance for Text Amendments to the Land Development Regulations (LDR) as presented for Title 2, Section 214-3 Corner Lots, Section 242-5 Amendments, Section 214 Development Standards, Chapter 218 Land Use, Chapter 110 Definitions, and Chapter 230 Sign Regulations as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-49, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone .8 acres from Two-Family Residential (DR-10) to Multi-Family Residential (R-M) to accommodate proposed apartments as requested by Kurt Lamon (File No. VA-2009-26). The property is located between Boone Drive and North Oak Street south of West College Street. The Planning Commission reviewed this request at their November regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting a rezoning from Two-Family Residential (DR-10) to Multi-Family Residential (R-M) for two parcels consisting of .8 acres to accommodate a proposed multi-family complex. The parcels are located at 1515 Boone Drive and 1514 North Oak Street. One parcel is currently vacant and the second parcel contains a single family residence. The property is located in an Institutional Activity Center Character Area on the Future Development Map which is described as a concentration of public or private large-scale institutional uses such as hospitals, schools, colleges, and universities. These areas may be characterized by high degrees of access by vehicular traffic, large amounts of on-site parking, and low degrees of internal open space, high floor-area-ratios, and large tracts of land, campuses, or unified development. The property is also within the local Historic District as well as the Residential Parking Overlay District. The site plan

shows two proposed multi-family structures and 42 proposed parking spaces. A maximum of 15 units would be permitted. No ingress/egress would occur off of North Oak Street only off of Boone Drive. Given the nature of the surrounding development and the consistency with the objectives of the Future Development Character Area, Staff found the request consistent with the Goals and Policies of the Comprehensive Plan and recommended approval of the rezoning. The Planning Commission reviewed this request at their November 30, 2009 regular meeting and recommended approval with a vote of 8-0.

Kurt Lamon, developer of the property, spoke in favor of the request. Mr. Lamon stated that they would have a historic theme building and have an upscale apartment. There will be a slight change to the traffic flow and they are open for suggestions. Mr. Lamon asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Eunice, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Ordinance No. 2009-49, an Ordinance to rezone .8 acres from Two-Family Residential (DR-10) to Multi-Family Residential (R-M) to accommodate proposed apartments as requested by Kurt Lamon, the complete text of which will be found in Ordinance Book XI.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE WITHDRAWN

Consideration of an Ordinance to rezone .32 acres from Residential-Professional (R-P) to Neighborhood-Commercial (C-N) to accommodate a proposed Veterinary Clinic as requested by Don Brotherton (File No. VA-2009-27). The property is located on the south side of East Jane Street between Williams Street and North Ashley Street. The Planning Commission reviewed this request at their November regular meeting and recommended denial (9-0 vote).

Mayor Fretti stated that the applicant has withdrawn the request.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE WITHDRAWN

Consideration of an Ordinance for a Conditional Use Permit to allow a Veterinary Clinic in Neighborhood Commercial (C-N) Zoning as requested by Don Brotherton (File No. CU-2009-11). The property is located at 307 East Jane Street. The Planning Commission reviewed this request at their November regular meeting and recommended denial (9-0 vote).

Mayor Fretti stated that the applicant has withdrawn the request.

ORDINANCE NO. 2009-50, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 360.58 acres from Single-Family Residential (R-10 & R-15), Environmental Resource (E-R) City, and Estate-Agriculture (E-A) County to Office/Wholesale/Light Industrial (M-1) to establish an Industrial Park as requested by the Valdosta-Lowndes County Industrial Authority (File No. VA-2009-28). The property is located between South Patterson Street and New Statenville Highway. The Planning Commission reviewed this request at their November regular meeting and recommended approval (9-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrative, stated that the applicant is requesting to rezone 360.58 acres from Single-Family Residential (R-10 & R-15), Environmental Resource (E-R) (both City of Valdosta), and Estate-Agriculture (E-A, Lowndes County) to Office/Wholesale/Light Industrial (M-1) to establish an industrial park. This request is running concurrently with an annexation request for approximately 28.55 acres. The property is currently undeveloped and lies between South Patterson Street and New Statenville Highway. The properties are located primarily within a Suburban Area Character Area on the Future Development Map, with an

area of Parks, Recreation, & Conservation Character Area and a very small area of Community Activity Center Character Area. There are several large areas of wetlands on the property that the Industrial Authority will use as amenities to the Industrial Park. If the request is approved, having the property already zoned M-1 would support the Industrial Authority in its efforts to recruit industry, and therefore, create additional jobs and expanded economic development for our community. The area is located near an existing manufacturing zoning and has easy access to major transportation corridors such as Inner Perimeter Road and Gil Harbin Boulevard. Extending Clay Road to South Patterson Street would offer additional access and circulation. Additionally, the required setbacks and buffer regulations within the Land Development Regulations should provide adequate protection to the existing residential neighborhoods and adjoining properties. Given the property's location on two arterials and the need for additional land zoned industrial, Staff found the request consistent with the Goals and Policies of the Comprehensive Plan and recommended approval of the rezoning request. The Planning Commission reviewed this request at their November 30, 2009 regular meeting and recommended approval of the rezoning with a vote of 9-0.

Bill Kent, ASA Engineering and Surveying, 105 West Central Avenue, spoke in favor of the request. Mr. Kent stated that he represented the Industrial Authority and has been working with them on a due diligence phase and feasibility study. This will be a good fit on the south side of town and is centralized between Azalea East and Azalea West Industrial Parks.

Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority, 4406 Forrest Valley Circle, stated that there will be approximately 400 acres developed as the new Industrial Park on the south side of Valdosta. With a private investment and money that is going into the Park there could be approximately \$200 million to \$500 million of economic activity on the south side which would rejuvenate and revitalize that part of the community.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2009-50, an Ordinance to rezone 360.58 acres from Single-Family Residential (R-10 & R-15), Environmental Resource (E-R) City, and Estate-Agriculture (E-A) County to Office/Wholesale/Light Industrial (M-1) to establish an Industrial Park as requested by the Valdosta-Lowndes County Industrial Authority, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-51, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3

Consideration of an Ordinance to annex 29.55 acres as requested by the Valdosta-Lowndes County Industrial Authority (File No. VA-2009-29). The property is located southeast of New Statenville Road intersection with Clay Road. The Planning Commission reviewed this request at their November regular meeting and recommended approval (9-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrative, stated that the applicant is requesting to annex 29.55 acres into the City of Valdosta to gain access to City services for a future industrial park. This parcel lies southeast of New Statenville Road's intersection with Clay Road and is currently undeveloped. Given the property's location to current City limits and the fact that the development will establish a new industrial park, Staff found the request consistent with the goals and policies of the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their November 30, 2009 regular meeting and recommended approval with a vote of 9-0.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (7-0) to enact Ordinance No. 2009-51, to annex 29.55 acres as requested by the Valdosta-Lowndes County Industrial Authority, the complete text of which will be found in Ordinance Book XI.

Consideration of an Ordinance for a Conditional Use Permit in a Single-Family Residential (R-10) Zoning District to establish a church as requested by the House of Joy (File No. CU-2009-10). The property is located at 2061 East Park Avenue. The Planning Commission reviewed this request at their November regular meeting and recommended approval (9-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting a Conditional Use Permit to allow a church in a Single-Family Residential (R-10) zoning district. The parcel consists of approximately 11 acres and is predominantly undeveloped; however, it does contain a single family residence which will be removed for construction of the church. The parcel is within a Neighborhood Activity Center Character Area with a small area of Parks, Recreation, and Conservation on the Future Development map. The site plan depicts the proposed 549-seat church structure, playground, prayer garden, and approximately 240 parking spaces. An additional structure and baseball/softball field, as well as an additional 160 parking spaces, is shown as future developments. The proposed site plan will need to be revised to show the required number of parking spaces. Based on the fact that the proposed use meets the Conditional Use Permit Criteria and is consistent with the Comprehensive Plan, Staff recommended approval. The Planning Commission reviewed this request at their November 30, 2009, regular meeting and recommended approval with a vote of 9-0.

Kelley Barcol, Minister of the House of Joy, 3941 Howell Drive, spoke in favor of the request. Mr. Barcol asked Council's consideration in approving the request. Councilman Eunice inquired as to the timeline for building the church. Mr. Barcol stated that they hope to start construction within 12-18 months. Councilman Vickers inquired as to where they are currently located. Mr. Barcol stated that they meet on Sunday mornings at the old Ashley Cinema and just celebrated their six year anniversary. They started with five people and now have a congregation of 500 with approximately 300 in attendance on Sunday morning. Mayor Fretti inquired as to whether they would have to begin development within 12 months due to the regulations of a Conditional Use Permit lasting only 12 months. Ms. Tolley stated that was correct. Mayor Fretti asked that Ms. Tolley send the applicant a letter regarding that part of the regulations.

No one spoke in opposition to the request.

A MOTION by Councilman Wright, seconded by Councilman Carroll, was unanimously adopted (7-0) to follow the recommendation of Staff and enact Ordinance No. 2009-52, for a Conditional Use Permit in a Single-Family Residential (R-10) Zoning District to establish a church as requested by the House of Joy, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2009-53, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Title 3, Development & Permitting, Chapter 306 - Soil Erosion, Sedimentation, and Pollution Control as requested by the City of Valdosta Engineering Department.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the Engineering Department is requesting changes to Chapter 306, Soil Erosion, Sedimentation, and Pollution Control in order to bring our local regulations into compliance with recent State changes as required by the Georgia Department of Environmental Protection. The proposed Text Amendments are as follows: (1) Text Amendment #1 - Section 306-2.e.15.a - Clarifies when the required 25-foot buffer may be thinned or trimmed, following the completion of any land disturbance activities, and provides an exception for single-family residences provided they meet the stated best management practice. This measure provides greater protection for the waterway. (2) Text Amendment #2 - Section 306-3.i.3 - Requires the City to follow its own Soil Erosion, Sedimentation, and Pollution Control measures. (3) Text Amendment #3 - Section 306-3.i.8 - Allows for a Soil Erosion, Sedimentation, and Pollution Control permit to be rejected if the applicant has had two violations within the past three years. (4) Text Amendment #4 - Section 306-4.c - Requires the City to amend this chapter if any amendments are made to the Federal Erosion and Sedimentation Act. (5) Text Amendment #5 - Section 306-4.e & f. - Mirror regulations

recommended by the State regarding District and Commission review of the City's activities as a Local Issuing Authority. (6) Text Amendment #6 - Section 306-6.b, c, & d. - Requires the presence of an individual with proper training and certification on site any time land disturbance activities take place. Councilman Vickers stated that he was concerned about Text Amendment # 3 regarding the rejection if someone has two problems within three years and inquired as to whether this should be based on the seriousness of the violation. Anne-Marie Wolff stated that the local issuing authority can reject the permit and this is in accordance with O.C.G.A. 12-7-7. Von Shipman, City Engineer, stated that if they identify violations and the developers work with the Engineering Department and learn from their mistakes they will try to work with them.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Ordinance No. 2009-53 for Text Amendments to the Land Development Regulations (LDR) for Title 3, Development & Permitting, Chapter 306 - Soil Erosion, Sedimentation, and Pollution Control as requested by the City of Valdosta Engineering Department, the complete text of which will be found in Ordinance Book XI.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2009-54, AN ORDINANCE FOR INTRODUCTION OF BACKFLOW PREVENTION

Consideration of an Ordinance for introduction of backflow prevention. (Second Reading)

Henry Hicks, Utilities Director, stated that this Ordinance will protect the water supply from the Treatment Plant to the customer. It will ensure that the water will not be contaminated from coming back in from the customer's side. Customers would not want to intentionally contaminate the water supply and they will survey each customer to identify a risk level. Over 80% of communities in the United States have Cross-Connection Control Ordinances. This Ordinance will not affect between 60-80% of the customers in the City and this is mostly residential. There will be some commercial customers that will not be affected as well such as a law firm, accounting firm, or clothing business. Councilman Eunice stated that the effective date of the Ordinance is January 1, 2010 and inquired as to when the surveys would begin. Henry Hicks stated that they would start with the industrial and commercial customers first and conduct individual surveys. A risk level would then be set based on the nature of the business. Most of the industrial customers already have backflow devices installed and they are looking for backflow devices that are not testable or are out of date. They have also mailed out approximately 2,000 informational flyers with the occupational license renewals and it will take a minimum of one year and most likely up to three years to get through that group. Once the industrial and commercial is done then they will start on the residential. They have also set up timeframes for action to be taken if the risk is severe or if an actual backflow has occurred. According to the Georgia Department of Natural Resources Environmental Protection Division rules, if a cross connection is found that has affected a system they are required to shut the customer down if it is not fixed right away. Councilman Vickers inquired about looping the water system. Larry Hanson stated that they are working on several looping projects which include Baytree Road, St. Augustine Road, and extending it out on Madison Highway. Henry Hicks stated that they are working on selecting a Water Quality Improvement Strategy and Modeling System which will provide the City with a capital plan for the water system. Larry Hanson stated that approximately 70-80% of the City's customers will not be affected by this new Ordinance and only those with an underground pool, irrigation system, or a well. Henry Hicks will evaluate the residential over a three to five-year period and based on their threat level action will be taken. On the industrial side, most of the backflow prevention devices are already in place. Councilman Head stated that there were concerns expressed at the Work Session about costs to the citizens and it may be worth considering having a financing option for someone who may need a device. The City could also budget some money next year for this option. Larry Hanson, City Manager, stated that this could be on a case-by-case basis and give discretion to the Utilities Director and the Finance Director to establish some guidelines. Councilman Eunice inquired as to whether someone would still need to have a backflow device if they were not using the well. Henry Hicks stated that if it was abandoned and capped then they would not need a backflow prevention device. Councilman Vickers stated that he agreed about having a

financing option on a case by case basis and asked that it be included in the Ordinance. Larry Hanson stated that they could make it part of the motion that the City would make that part of the implementation schedule because that would be a short term issue because going forward any new business would be required to have a device. George Talley, City Attorney, stated that he would meet with Henry Hicks to develop a policy on the financing option. Mayor Fretti stated that the new policy could be brought back before Council within the next two months or less and it could be appended to the Ordinance. Councilman Yost inquired as to whether the financing option would be just for residential. George Talley stated that he thought that was what Councilman Head had previously mentioned. Councilman Head stated that he meant all across the board because there could be a commercial or industrial business that may not be able to purchase a device. Larry Hanson stated that was relative because the residential would be the smallest fee and the commercial or industrial would be the largest fee and he did not object if it included commercial or industrial. Councilman Wright inquired as to whether the Ordinance would be amended at a later date to include this or whether it would be voted on tonight because it may be something different down the road and people may interpret it differently. Larry Hanson stated that they were considering adopting the Ordinance tonight and then within 60 days or less a policy to incorporate a fee schedule will be brought before Council for the hardship cases. Henry Hicks suggested the policy be made as a five-year policy because at some point it will not be needed.

A MOTION was made by Councilman Eunice to approve the Backflow Prevention Ordinance as presented by the Director of Utilities and that Staff will create a policy for hardships for both residential and commercial customers with a fee schedule to be brought back to Council within 60 days. Councilman Payton seconded the motion. Councilman Eunice stated that this was a difficult decision for all of them and it would result in a one-time cost for some of the utility customers in the City. With the economy as tough as it is now this was not an easy motion to make; however, after discussions with the City Manager and the Utilities Director about the consequences of what could happen to the water system, the City, and the people that Council represents there was not really a choice but to support it for the public good and health. Councilman Eunice stated that he reluctantly supported the Ordinance but in the end he will look back and be fine with the decision. Councilman Carroll stated that his District has the highest concentration of in-ground swimming pools, irrigation systems, and wells and while he generally tries to think City-wide on every action he takes as a Councilman, it is very difficult. Many of those homes will be confronted with having to pay for these devices in three to five years from now and someone will be getting some telephone calls. His initial thought was to vote against this because this would be the politically savvy thing for him to do but he abhors being political and that he should act in a manner with integrity and what is best for the citizens as a whole. He has considered the motion and some of the changes that have been made he would support the Ordinance. Councilman Wright stated that he has areas in his District also that would be a concern as to the affordability of installing a device; however, with the change suggested by Councilman Head for financing he would support the Ordinance. The motion was unanimously adopted (7-0) to enact Ordinance No. 2009-54, the complete text of which will be found in Ordinance Book XI.

RESOLUTION NO. 2009-31, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) PROGRAM

Consideration of a Resolution authorizing the filing of an application with the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Program for the addition of 12 Firefighters to the Valdosta Fire Department.

Fire Chief J. D. Rice stated that the Federal Emergency Management Agency (FEMA) has funding available under the Staffing for Adequate Fire and Emergency Response (SAFER) to hire additional new firefighters or rehire firefighters laid off between January 1, 2008 and October 31, 2009. A total of \$210 million is available to fund approximately 200 awards. The City is seeking to hire an additional 12 firefighters. The City would pay the salary and benefits of the personnel for two years with the condition that the City would keep them one additional year past the two-year period. There are no annual salary limits and there is no cost-sharing required by the grant. The grant does require that all applicants be able to prove that their firefighters will become nationally certified within one year which all of the City's personnel are, that there is a written policy on hiring, and that a program is in place to recruit minorities and women which we do through a partnership with Valdosta Technical

College. The period of performance has been reduced from four years to two years and the City is seeking a total of \$892,599 in grant funding.

A **MOTION** by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Resolution No. 2009-31, the complete text of which will be found in Resolution Book IV.

BIDS, CONTRACTS, AND EXPENDITURES

Consideration of bids for improvements at Country Club Road and Perimeter Road.

Von Shipman, City Engineer, stated that in December, 2008, Council approved the concept to widen Country Club Road from Perimeter Road to just north of Noble Way to accommodate existing and future development. Attached is a drawing that depicts the proposed improvements. The property owner on the west side of Country Club Road agreed to donate the necessary right-of-way in return for the City constructing an additional lane in order to create a northbound turn lane. This deal included the requirement that the three proposed driveways would only allow exiting traffic to turn right to reach Perimeter Road. It also included the requirement that the developer hire an engineer to prepare the construction plans. Due to the proposed opening of the new restaurant at the northwest corner of Perimeter and Country Club Road in January, 2010, the widening project was put out to bid in November, 2009 and bids were received on December 8, 2009. The Engineering estimate is approximately \$90,000. The low bid was submitted by Rountree Construction in the amount of \$116,778.25. Von Shipman recommended that Council approve the low bid submitted by Rountree Construction in the amount of 116,778.25 plus a 10% contingency.

A **MOTION** by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the low bid submitted by Rountree Construction in the amount of \$116,778.25 plus a 10% contingency for improvements at Country Club Road and Perimeter Road.

Consideration of a request to approve a contract with the Georgia Department of Transportation to construct a sidewalk on Gordon Street between Hightower Street and Lankford Drive.

Von Shipman, City Engineer, stated that the City requested assistance from the Georgia Department of Transportation (DOT) to construct a sidewalk on the south side of Gordon Street between Hightower Street to Lankford Drive. The DOT has approved approximately \$25,000 for the construction of the sidewalk on this section of Gordon Street. The sidewalk will be constructed along with improvements on Gordon Street from Hendry Drive to Lankford Drive. The LPA Group is in the process of developing a detailed estimate of the design fee for improvements which will include bike lanes and a westbound left turn lane at Hightower Street. Also included will be the replacement of a very old corrugated metal pipe that is under Gordon Street to the east of Hightower Street. The DOT requires the City to authorize the contract. Von Shipman recommended that Council approve the request for a contract with the Georgia Department of Transportation to construct a sidewalk on Gordon Street between Hightower Street and Lankford Drive.

A **MOTION** by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (7-0) to approve the request for a contract with the Georgia Department of Transportation to construct a sidewalk on Gordon Street between Hightower Street and Lankford Drive.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve Valdosta Fire Department equipment surplus property.

Larry Hanson, City Manager, stated that on April 15, 2009, the Valdosta Fire Department loaned the Lake Park Fire Department 1,200 feet of surplus 3 ½ inch hose, two Red Head 3 ½ inch male to 2 ½ inch female adapters, and two Red Head 3 ½ inch to 2 ½ inch male to female swivels. These items are no longer used by the Valdosta Fire Department. On November 30, 2009, David E. Brown, Lake Park Fire Chief, notified the City Manager that the Lake Park Fire Department would be interested in purchasing this equipment from the City of

Valdosta because they are currently unable to purchase replacements. Larry Hanson recommended that Council approve the request to declare the equipment surplus property and donate it to the Lake Park Fire Department.

A MOTION by Councilman Head, seconded by Councilman Carroll, was unanimously adopted (7-0) to declare the Valdosta Fire Department equipment surplus property and donate it to the Lake Park Fire Department.

Consideration of a request to donate surplus equipment from the McKey Park Renovation Project to the Valdosta City School System.

Larry Hanson, City Manager, stated that the City approved a major renovation project for McKey Park that includes the construction of all new tennis courts and a tennis center. As part of that project, the current lights have been removed and re-use of them was not planned for the new facility. The project includes a much higher standard of lighting that requires taller poles and more intense lighting to support the standards required for tournament play. For many years, the Valdosta City School System has used McKey Park for its entire High School and Middle School program. The Valdosta Board of Education learned of the tennis court project and they are currently building new courts at Valdosta High School which make it more convenient for their tennis teams, and better for the regular patron tennis players of the City who use McKey Park. They did not have the funds to light the courts and have inquired about the consideration of the City to donate the lights and poles to the School System for use at their new courts. The City could declare the poles, which were purchased with SPLOST funds, surplus property and then donate them to the Valdosta Board of Education. The estimated cost of the poles and 90 light fixtures is approximately \$16,200. Larry Hanson recommended that Council approve the request to declare the poles and light fixtures surplus property and then donate them to the Valdosta Board of Education to be used to light tennis courts at Valdosta High School. In reciprocation, the Valdosta Board of Education will continue to consider donating surplus buses to the City.

A MOTION by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (7-0) to approve the request to declare the poles and light fixtures surplus property and then donate them to the Valdosta Board of Education to be used to light tennis courts at Valdosta High School.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the recent Electronic Recycling Event held on November 7, 2009 was the most successful one the City has ever had. There were 26 television sets, 460 computer monitors, 416 personal computers, and over 62,000 pounds of electronic debris which equates to almost 32 tons which was prevented from going into a landfill. Since the implementation of this program four years ago, we have kept 230,000 pounds of electronic debris out of the waste stream which is almost 115 tons.

There will be a Brownfields Open House Meeting on December 17, 2009 from 5:30 p.m. to 6:30 p.m. in the City Hall Annex Building. This will begin the process of getting the word out to the public before the City goes through the formal process of identifying the final sites.

There was an emergency at the Mud Creek Waste Water Treatment Plant this week which involved the collapse of a manhole in a sewer line that comes into the plant. The collapse was due to age and corrosion of the sewer line. They have been addressing the issue and have done some bypass pumping around it. It did result in a sewer spill today which will be reported to the State. The repairs should be complete within the next few days.

Larry Hanson introduced Rebecca Shirley, the new Main Street Director. She previously worked with the Better Home Town Program in Dahlonega, Georgia. She is going through orientation and has been meeting the Downtown property owners this week and we are looking forward to working with her.

The Georgia Department of Transportation Meeting will be hold a public hearing and open house on the West Hill Overpass on January 28, 2010 from 4:00 p.m. to 7:00 p.m. Following the public hearing the DOT will review the comments and finalize the plans. The funding has been approved within DOT and hopefully this will mean the overpass will be built in a couple of years. Von Shipman, City Engineer, has a copy of the plans.

The City met with CSX and the DOT on the CSX Switching Yard and agreed that the City will hire an Engineering firm to do the preliminary cost estimates, design, and feasibility study. The work has begun and the report should be completed in late January, 2010. The DOT has requested that the three parties meet at their office in Atlanta in February to review the findings. We are hopeful that the plan will determine that it is feasible and will provide a cost estimate within the budgeted range and the \$1 million secured in July through the State budget.

The most recent date for the obelisk to be installed at the Martin Luther King, Jr. Memorial site is December 17, 2009. The time will be determined at a later date.

Several City employees will be ringing the bell for the Salvation Army at Winn Dixie tomorrow beginning at 9:00 a.m. until 7:00 p.m.

On a sad note, Anne-Marie Wolff, Planning and Zoning Administrator, will be leaving the City in mid-February to relocate to Montana. She was the first full time City Planner and Zoning Administrator and has brought a lot of energy, vitality, and vision to that Department.

COUNCIL COMMENTS

Councilman Vickers inquired as to whether a privacy fence would be installed on the east and south side of Martin Luther King, Jr. Memorial Park. Von Shipman stated that there was not one set up in this particular contract but he would get some quotes and discuss it with Rob Evans, Architect.

Councilman Payton stated that he would like for Hunter Harper, Valdosta Small Emerging Business Program (VSEB) Coordinator to provide Council with an update on the program at the January 21, 2010 Council meeting.

Councilman Yost thanked the Utilities Department for their efforts in repairing a water main break on Baytree Road this week.

ADJOURNMENT

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

A MOTION by Councilman Yost, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the December 10, 2009 meeting of the Valdosta City Council at 8:07 p.m. and enter into Executive Session. Councilman Carroll was absent for the vote.

Mayor Fretti reconvened the regular City Council meeting at 8:31 p.m. and stated that there was discussion of real estate in the Executive Session and no action was taken.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to adjourn the December 10, 2009 meeting of the Valdosta City Council at 8:31 p.m. to meet again in regular session on Thursday, January 7, 2010.

City Clerk, City of Valdosta

Mayor, City of Valdosta