

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, DECEMBER 9, 2010
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John 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, Ben Norton, Deidra White, Robert Yost and James Wright. Councilman Alvin Payton, Jr. arrived at 6:25 p.m. The invocation was given by Pastor Kelly Barcol, House of Joy, followed by the Pledge of Allegiance to the American Flag.

ELECTION RESULTS AND OATH OF OFFICE

Larry Hanson, City Manager, stated that the results of the Special Election held on November 2, 2010 have now been certified by the Board of Elections on December 3, 2010. The results are as follows: (1) Valdosta City Council At Large - John L. Eunice received 4,360 votes (44.14%), Keith Lee received 2,218 (22.46%), Ben H. Norton received 3,236 (32.76%), and Write-in votes received 63 (0.64%). Results of the Special Runoff Election held on November 30, 2010 have now been certified by the Board of Elections. The results are as follows: (1) Valdosta City Council At Large - John L. Eunice received 846 votes (47.69%) and Ben H. Norton received 928 votes (52.31%). Winner of the Special Runoff Election was Ben H. Norton with 928 votes.

OATH OF OFFICE FOR BEN H. NORTON, COUNCIL DISTRICT AT LARGE

The Honorable Retired Superior Court Chief Judge H. Arthur McLane of the Southern Judicial Circuit administered the Oath of Office to Councilman Ben H. Norton. A copy of the Oath of Office is on record in the permanent file of the December 9, 2010 regular meeting of the governing body.

AWARDS AND PRESENTATIONS

Mayor Fretti entertained a motion for Awards and Presentations.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) for the December Awards and Presentations.

PRESENTATION OF THE 2010 COMMUNITY CHRISTMAS PARADE AWARDS

Presentation of the 2010 Community Christmas Parade Awards.

Mayor Fretti stated that the 2010 Community Christmas Parade was sponsored by Ossipe Temple #65, Coca Cola, and the City of Valdosta. Mayor Fretti and members of Ossipe Temple #65 presented the following Christmas Parade Awards: Third Place – Smith Drug Company, Second Place – Filipino-American Association of Southern Georgia, and First Place – Outback Riders. The proceeds raised by Ossipe Temple #65 through parade entry fees were donated to various charities.

PRESENTATION OF THE DECEMBER, 2010 EMPLOYEE OF THE MONTH AWARD

Mayor Fretti presented the December, 2010 Employee of the Month Award (Emily Conklin-Foster, Community Development Department).

Emily Conklin-Foster began her employment with the City of Valdosta in August, 2008 as a Special Project/Historic Preservation Planner in the Community Development Department. In this position, Emily provides for the administration of the Valdosta Historic Preservation Commission, reviews projects for approval in the Historic District, and administers the work plan for the City's historic preservation program. She works with the Urban Redevelopment and Neighborhood Revitalization Plans and assures compliance with all City-initiated and Federally-funded projects affecting historic buildings. Emily's responsibilities are many, but she finds time to coordinate activities for the benefit of the community. During Historic Preservation Month in May, she

coordinated the Second Annual Valdosta Preservation Awards Program, showing appreciation to those who preserve Valdosta's heritage. She is also a member of the Sesquicentennial Planning Committee and chaired the Valdosta City Hall Centennial Celebration in May. She also planned the Path to Paradise event which was recently held at the Sunset Hill Cemetery. Emily is the type of employee who goes above and beyond what is required. When the former Planning and Zoning Administrator resigned, she took on additional duties such as the City's Brownfields Assessment Project and served on the Gateways Corridors Committee. Her work on the Sunset Hill Cemetery Interactive Website Project allows citizen to locate Valdostans buried in the cemetery and learn about their lives and contributions to our community. Emily is an employee who is always happy at work, never complains, and readily offers viable solutions. She is not just a team member, but a team builder. Her efforts have not only made a significant contribution to the Community Development Department but to the citizens of Valdosta as well. For these reasons and many others, the Employee Relations Committee nominated Emily Conklin-Foster as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the November 11, 2010 Regular Meeting were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

Roy Taylor, 2209 Bridlewood Drive, stated that he wanted to repeat a message that was in the Valdosta Daily Times on August 20, 2010. The topic of the message was "Listen to the People." One of our people came before Council two or three meetings ago and they did listen. You might not have heard but you listened. The article stated the following: "If the Valdosta City Council is not careful it may have a full fledged revolution on its hands during the Citizens to be Heard portion of its meeting. During recent sessions the citizens have arrived to vent their frustration regarding the City's proposed Gateway Improvement Project. This past week citizens voted in opposition to the City's Sign Ordinances and Uniform Land Use Codes. These people have valid points. At a time when people are struggling to make ends meet and eating dollar hamburgers at McDonald's in order to survive, the State's finances are floundering on all fronts. Valdosta does not need to pump tax dollars into an over glorified beautification project like the Gateway Project. The proposal is too broad, costs millions, will interrupt existing businesses, all with no guarantee that it will help these zones prosper. As for the Sign and Land Use issues, the truth is that it is becoming increasingly difficult to do business within the Valdosta City Limits. Natural economic issues have raised a degree of difficulty but the City's measures compound these difficulties. Businesses are being asked to jump through ridiculous hoops. These tables are so assured they might be funny if they weren't true. People are fed up. New businesses face such a gamut of ordinances in Valdosta that many teeter on financial ruin before opening their doors to the public. People are fed up but City Council doesn't seem to notice. People have become exhausted with officials telling them what is best for them. City Council should listen to what the citizens want least they start having the tea parties that place less emphasis on the Federal level and start placing more interest on the City practices. It is time for City Council to readily listen to the people." Mr. Taylor stated that there was a daycare center that just went out of business. Other businesses that have closed within the past 14 days are Pirates Bluff and Sign-A-Rama. Liz Claiborne, Georgia's Pasty, and Bass Outlet have also gone out of business. The cost of coming up with these ordinances that Council has over the past year and a half costs \$300,000 a year just to get people to write them and one of those is making \$60,000 doing part time work now. In order to enforce those ordinances it is costing \$1 million a year in our City's budget. It is time that Council started having mercy on the small businesses in this community.

Reverend J. D. Martin, King Solomon Baptist Church, thanked the City Council for declaring "Feed the Needy Day" on December 24, 2007. In 2008, the State of Georgia issued a Resolution declaring December 24th as "Feed the Needy Day" also. During this time last year, they fed over 6,000 people with 3,000 alone in Valdosta. They also gave away 2,200 articles of clothing and 1,500 toys. This has been the largest program in South Georgia for the past four or five years and they had over 340 volunteers last year. Reverend Martin thanked Council for their support and urged them to get others in their Districts involved.

Nolan Cox, 1009 Cherry Creek Drive, stated that there were two items on the Council Agenda, the purchase of banquet tickets for the MLK, Jr. Commemorative Banquet and for the Chamber of Commerce Annual Banquet, that he wanted to discuss. Mr. Cox inquired as to whether Council had the constitutional authority to make donations to private organizations. If they are \$1.00 a ticket, his recommendation would be to give it to the charity that they just heard Reverend Martin speak about. They should stick with the Constitution and rules of the game. It does not matter whether you are giving away \$20 or \$20 million because if it is not constitutional then it is not constitutional. It either is or isn't. Mr. Cox questioned whether Council has the constitutional authority to give away tax money to private organizations or non-profit organizations. Mr. Cox asked Council to consider that when they vote on these items.

Barthaniel Wertz, 903 North Troup Street, stated that he was concerned about a portion of East Force Street from Troup Street to Lee Street that is concaved. This allows the water to run down the middle of the street and when it rains there is about three inches of water so no one can cross the street. Mr. Wertz asked for Council's help in correcting the problem. Also, the drains that were placed on Troup Street are working fine and there is no more flooding in his yard or the area down from his residence. Mr. Wertz thanked Council for their efforts in correcting that problem.

Roger Budd, III, 5 Cherokee Circle, congratulated Councilman Ben Norton on his victory and thanked John Eunice as he would have been a good City Councilman also. Mr. Budd stated that he supported Ben Norton because he appears to be a fine, upstanding, lifelong resident of the City of Valdosta and he has expressed his willingness to support a pro-business agenda for the City of Valdosta. Capitalism is a competition and we are all in competition for scarce resources. The City of Valdosta is in competition with other similarly situated cities and the City of Valdosta has a bad reputation for the difficulty of conducting and opening businesses. It would be nice if we could change that reputation and have people from other towns with different franchises or people who do business across the United States come to the City of Valdosta and say that doing business here is a pleasure. Mr. Budd stated that he has never heard that but on too many times to count he has heard that people have opened 100 stores and never had so much trouble as trying to get one open in the City of Valdosta. This is systematic and is in every department. The bureaucratic red tape and grid lock needs to come to an end. In his personal life he has never seen a problem that couldn't be made much worse by bringing the government in with a few limited exceptions. Mr. Budd stated that his solution to the problem is less government and see what happens to our reputation.

George Boston Rhynes, 5004 Oak Drive, stated that he appreciated Ben Norton being elected to the Council and he wanted someone that was going to represent all the people and not just a segment of the people. He would like to see those who represent some of the people removed from the Council so we can be fairer in this community. In 2005, the Rainwater Conference Center was allegedly highlighted for discriminating against blacks in their hiring practices. It had been brought to their attention that Rainwater Conference Center is allegedly discriminating once again against blacks in their employment practices. There is no need for that in 2010. He has been informed that the local news media is aware of these people as well as the EOC complaints but he has not read anything about it in the local press. Mr. Rhynes stated that he wanted to bring this to the attention of Council because they may want to look into it since it casts a shadow over the community. Also, at a recent meeting a local Council member was asked to turn in her resignation from the Council for allegedly not representing the people of a certain District. The local media never informed the citizens of Valdosta and in any metro city that would have been front page news. Mr. Rhynes stated that he still believes there is a concerted effort in this community to keep the citizens deaf, dumb, and blind to what goes on at public meetings in the State of Georgia and he looked forward to this changing in the near future. Mr. Rhynes also inquired as to why it was so hard, after two years, to place a District number on Council's name plates. He has been Atlanta, Macon, and some smaller towns and they have numbers on the name plates that show what District the Council members represent. This would look good in the modern era. Mr. Rhynes thanked Council for replacing the State Flag at the Martin Luther King, Jr. monument that was torn in half; however, there are three poles there with the U. S. Flag in the center and two on opposite sides and it is not right. The U. S. Flag should be flown in the center on the highest pole when flown with other flags and the contractor did not do the poles correctly. Mr. Rhynes asked Council to look into the matter. These may seem like small items but when people come to our community and see us acting on the square they will think we are on the level.

Dan Davis, 1001 Cherry Creek Drive, stated that he wanted to quote Abraham Lincoln. "To sin by silence when one should protest makes cowards of men." Mr. Davis stated that he was concerned about the Uniform Land Use Code and the reputation that Valdosta is getting of being anti-business. In this day and time when we have numerous businesses closing every day and we are losing a lot of jobs, Valdosta does not need to be known as a City that has a Uniform Land Use Code that is twice the size of Atlanta's. We need to become more pro-business and pro jobs and help Valdosta to grow and prosper. Mr. Davis stated that it is too complicated to open up a business and then when you get it opened it is very complicated to stay in business in Valdosta. He has maintained offices in New York, Atlanta, Rhode Island, and Miami but he chooses to live here because it is a great town to live in and he wants to continue to do business here. It would be a lot better if Valdosta could become more business friendly and help businesses succeed instead of making it more difficult. If it takes six months to one year to open a business in this town because of complications with inspections and permits that is the wrong message we are sending. We are not sending a positive message to businesses. Mr. Davis asked that the Mayor and Council look in 2011 at making this City more business friendly and to help the City grown and prosper.

Phyllis Stallworth, 4363 Dockside Drive, stated that she was the First Vice President of the NAACP and was gravely concerned that the minority communities are becoming a City waste material. When we want to bring a Biomass Plant to be situated in a community that is an environmental justice community then we are saying to the people in that area that we do not take your consideration or health in our minds. She would like to live here in Valdosta but she wanted to be healthy here. Ms. Stallworth stated that she wanted to be certain that whenever Council members voted for clean energy jobs they would have the citizens' health in mind as well as their children and grandchildren. Ms. Stallworth asked Council's consideration in not selling water to the Biomass Plant because they do not want the Plant in Valdosta. It is disturbing that Valdosta is not bringing in opportunities for the minorities and small minority businesses but yet they are bringing in waste. We do not want to send a message that we are concerned the most about energy, whether it is harmful or not, and that it would be suitable for Valdosta because it would bring in money. Twenty jobs compared to 20 people's health is a little absurd. It will cost millions of dollars to bring the Biomass Plant to Valdosta. Ms. Stallworth asked that Council put the minority communities on their mind and that they start planning right in 2011. We need to keep our young men and women off the streets and offer them these opportunities. It is horrible to see others coming into their communities and be given jobs and opportunities. Ms. Stallworth asked that Council start putting all citizens on their minds and adopt a project where no citizen is left behind and that mass destruction would not come into our City and destroy our community.

Dr. Michael Noll, 2305 Glyndale Drive, thanked the Valdosta-Lowndes County Industrial Authority for organizing the Biomass Pane. Dr. Noll stated that he wanted to present some more information to the Mayor and Council. First of all, biomass is not clean. Using terms such as green and clean repeatedly in presentations will not change that fact. Data received from the Georgia Environmental Protection Division, specifically from Eric Cornwell, shows that biomass is dirtier than coal. If you compare the proposed Coal Plant in Sandersville, Georgia, with the proposed Biomass Plant in Valdosta you will see substantial differences. The proposed Biomass Plant will emit 39% more particulate matter, 73% more sulfur dioxide, and 80% more nitrogen oxide. Secondly, Wiregrass Biomass does not use state of the art technology as we have been told. There are hundreds of tons air pollutants per year listed in the application for this Plant including toxic chemicals such as sulfur dioxide, nitrogen oxide, and particulate matter (PM). Although the amounts of compounds such as dioxin do not range in the tons, they are so toxic that even a few pounds per year are unacceptable. There are several residents in our community who have experienced dioxin in the form of Agent Orange during the Vietnam War and they can give testimony on what dioxin does to your body in very small quantities. If they would use the best available technology, which is commonly referred to as BACT or MACT, we may see a decrease in the various pollutants but the health risks would still remain just at lower levels. Thirdly, the American Lung Association has stated that Biomass incinerators are not safe and they bear significant health risks. There are increases in PM pollution which lead to higher mortality rates, cardiovascular diseases which lead to heart attacks, and worsening of respiratory illnesses such as asthma and COPD. The Biomass Panel presented no studies, data, or letters to prove that Biomass incineration is safe. Fourth, when talking about smart investments, it is important to note the Biomass is a risky project and is fueled by our tax dollars. The Wall Street Journal published an article on October 18, 2010 that observed Biomass Plants across the country were shut down when the subsidies ran out and the real cost of the fuel was realized. Consequently, on November 29, 2010, Excel Energy, Inc. halted plans to build a 100 megawatt Biomass Plant in Ashland, Wisconsin. They looked at others before and after them realized that biomass is too

expensive and other electricity generating options are more viable in addition to the needs to address energy conservation and efficiency. Dr. Noll stated that there was not enough time to address all the things that surfaced at the Biomass Panel meeting and at times they were comparing apples and hedgehogs. For example, there was an expert from Iowa who presented a study on a Biomass Plant that is in operation in Iowa but it uses oat hops which are a completely different story than burning Biomass waste such as wood waste or sewage sludge. There are quite a few complications with that and cannot be compared. Wiregrass Activists for Clean Energy (WACE) would like to urge the Industrial Authority, all City Council members, and members of the Lowndes County Board of Commissioners to create jobs to spur economic growth but not by trading it for the health of our citizens. There are alternatives available and WACE will organize a panel on January 13, 2011 and invite various specialists from across the country and region to discuss issues of economics, solar power, health, and other important aspects. They will also invite one member of the Industrial Authority or Sterling Planet if they are so inclined to attend.

Dr. Susan Wehling, 2410 Georgia Avenue, stated that when she last appeared before Council, Gary Minchew followed her presentation and said that he wanted to help get them out of Council's hair by having a Biomass Panel. The way that Council can get them out of their hair is by helping them to close the Biomass Plant down. Dr. Wehling stated that she was glad for government because government protects her from greedy business interests sometimes. There is a balance between good government and environment and she is glad that Valdosta is not Atlanta and has not lost the tree canopy and green initiatives; however, the reason she keeps coming before Council is that the City of Valdosta's seal is on Brad Lofton's slide presentation as a stakeholder and supporter. Dr. Wehling noted that Council has previously stated that they really don't know much about it and that the water is the only issue but the City's seal is on the Industrial Authority's slide presentation. Mayor Fretti stated that the City seal is probably in other places too with the Industrial Authority because the City appoints members. Dr. Wehling stated that as a citizen trying to figure out what is going on she assumed that the City supports wherever the logo is. Valdosta State University's logo was on the presentation but it is now gone because they do not support the project and they are neutral. The Board of Education's logo has been taken off the original presentations also. In fact they showed slides from Indiana University, Harvard, and other logos supporting biomass and they are calling those universities and finding out that they are not supporting Sterling Planet. If your logo is on their slide presentation then one would assume that you are supporting the Biomass Plant. There was not one single doctor on the Biomass Panel and Dr. Wehling was insulted that they were talking about health issues and no doctor was present. Dr. Wehling stated that she would continue to come before Council as long as their seal was on the presentation and as long as she felt that nothing was being done to stop the Biomass Plant.

Karen Noll, 2305 Glynnedale Drive, stated that she was perusing the City's website and noted that Valdosta is trying to be a green city and support wise use of our community's natural resources in the preservation and protection of land, trees, air, and water. In order to ensure the quality of life of residents and visitors it is a wonderful mission but she does not feel that the Biomass Plant is bringing them any closer to the mission because it is not green. Biomass combustion is dirtier than coal by one and one-half times and the American Lung Association states that the proposed Biomass Plant will compromise human health through the air pollution that it will produce. The City's planned water agreement sounds green because they will be using the gray water but that is not consistent with the mission to protect the air and water. The gray water will go from the Wastewater Treatment Plant to the Biomass Plant to be used for cooling. In that process, 80% of that water or 750,000 gallons a day will go up in steam which contains contaminants and will fall within a mile of the Biomass Plant. Ms. Noll stated that this information was probably not provided to Council in the past when they were considering the project and she hoped that Council would think very hard about what that means. Of the water that goes up in steam every day and is not returned to Mud Creek, 20% is returned to the Wastewater Treatment Plant which would then be expelled into Mud Creek. Ms. Noll inquired as to what it would mean to the farmers and the water table to lose 600,000 gallons a day. The gray water sounded like a good idea until she recently learned that the Biomass Plant would send contaminated steam into the air and dry up Mud Creek.

Matthew Richard, Naylor, Georgia, stated that when he was in college he took an economics class and the Professor told them that perfect markets require perfect information. The same could be said for democracy. Perfect democracy requires perfect information. Mr. Richard stated that if Council was involved in sponsoring a forum for the City that it be an open forum where both sides are represented and there is not a one-way conversation such as was the case with the Biomass Panel. It was quite dismaying because it was so one-sided.

Mr. Richard stated that Georgia Public Radio did a story on solar energy and announced that Georgia has the third best comparative advantage for solar energy in the United States. They also said that many Georgians are manufacturing solar panels and for a City like Valdosta it would be wonderful for those people planning projects to start looking ahead. Mr. Richard stated that the Biomass Panel has been described by some people as hired guns and inquired as to whether anyone knew where the money was coming from to bring these people to Valdosta. It would be nice to follow the money trail to learn and understand who is behind this project and what it means for our community.

PUBLIC HEARINGS

ORDINANCE NO. 2010-35, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 3.8 acres from Single-Family Residential (R-10) County and Wholesale/Light Industrial (M-1) City to Highway-Commercial (C-H) City as requested by Bart Butler (File No. VA-2010-17). The property is located at 1406 and 1408 1/2 Madison Highway. The Planning Commission reviewed this request at their October Regular Meeting and recommended approval (7-0 vote). Mayor/ Council postponed the request at the November 11, 2010 Regular Meeting until the December 9, 2010 Regular Meeting.

Mayor Fretti stated that he had a potential conflict of interest and presented Mayor Pro Tem Payton with a letter stating that he would not be participating in any discussion or vote since he was in the storage business and the applicant was requesting a Conditional Use Permit for a storage facility.

Matt Martin, Interim Planning and Zoning Administrator, stated that Bart Butler is requesting to rezone a total of 3.80 acres from Single-Family Residential (R-10) County (1.83 acres) and Wholesale/Light Industrial (M-1) City (1.97 acres) to all Highway-Commercial (C-H) City. This request is running concurrently with the annexation request (File No. VA-2010-17) and a request for a Conditional Use Permit for a mini-warehouse facility (File No. CU-2010-11) on portions of the same property. The property consists of both a landlocked parcel (to be annexed) located immediately behind the former Po Ed's Restaurant on Madison Highway, as well as the vacant parcel immediately to the north. This property is along the west side of the road north of the Azalea City Industrial Park, between Roswell Drive and the Langdale lumber yard. Both parcels are currently vacant and the applicant is proposing to include these properties as part of a mixed-commercial development. The property is located within an Industrial Activity Center Character Area on the Future Development Map of the Comprehensive Plan. In 2009, the applicant annexed the parcel immediately to the north, and it was given an M-1 zoning classification to allow its development for a mini-warehouse facility and other commercial uses. This property has remained vacant, and the applicant has since acquired the landlocked parcel to the south, as well as the smaller parcel to the southeast (the former Po Ed's Restaurant). The applicant has acquired these additional properties in order to gain more room for flexibility in his overall site design and allow the possibility of future expansions in a logical manner. The end result is proposed to have all three parcels zoned C-H and recombined to allow the different uses on new separate parcels based on an integrated overall development plan for the entire property. The proposed uses for the overall property still include a bail bonds office, a golf cart repair facility, and a mini-warehouse facility. This latter use also requires a Conditional Use Permit which is being reviewed concurrently under File No. CU-2010-11. This area is designated for future industrial development. Industrial zoning and uses are supported here, but commercial uses are also allowed. The applicant's proposal for C-H zoning as well as the proposed commercial uses will help serve as a transition between the residential uses along Roswell Drive and Bernice Drive to the south, and the adjacent Langdale lumber yard to the north. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommend approval to the City Council. The Planning Commission reviewed this at their October 25, 2010 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval (7-0 vote).

Clayton Milligan, Lovell Engineering, 3998 Inner Perimeter Road, spoke in favor of the request. Mr. Milligan stated that he represented the Butler family and would be glad to answer any questions.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2010-35, an Ordinance to rezone 3.8 acres from Single-Family Residential (R-10) County and Wholesale/Light Industrial (M-1) City to Highway-Commercial (C-H) City as requested by Bart Butler, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-36, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3

Consideration of an Ordinance to annex 1.8 acres as requested by Bart Butler (File No. VA-2010-18). The property is located at 1406 and 1408 1/2 Madison Highway. The Planning Commission reviewed this request at their October Regular Meeting and recommended approval (7-0 vote). Mayor/Council postponed the request at the November 11, 2010 Regular Meeting until the December 9, 2010 Regular Meeting.

Matt Martin, Interim Planning and Zoning Administrator, stated that Bart Butler is requesting to annex one parcel of land consisting of 1.83 acres into the City of Valdosta. The property is a landlocked parcel located immediately behind the former Po Ed's Restaurant on Madison Highway along the west side of the road north of the Azalea City Industrial Park between Roswell Drive and the Langdale Industries lumber yard. The property is currently vacant and the applicant is proposing to include this recently-acquired property into plans for a mixed-commercial development. The property is currently zoned Single-Family Residential (R-10) and the applicant will be seeking Highway-Commercial (C-H) zoning in the City. This annexation request is running concurrently with a request for rezoning (File No. VA-2010-18) and a request for Conditional Use Permit for a mini-warehouse facility (File No. CU-2010-11). The property is contiguous to the City Limits along its northern, eastern, and western boundaries. Annexation of the property will not create any islands of unincorporated territory, and the property is eligible for annexation. Official notification of the annexation request has been submitted to Lowndes County and we are awaiting a response. Staff found the request consistent with the Comprehensive Plan and recommended approval of the annexation request to the City Council. The Planning Commission reviewed this at their October 25, 2010 meeting, found it consistent with the Comprehensive Plan, and recommended approval of the annexation (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2010-36, an Ordinance to annex 1.8 acres as requested by Bart Butler, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-37, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A MINI-WAREHOUSE FACILITY IN A HIGHWAY-COMMERCIAL (C-H) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a mini-warehouse facility in a Highway-Commercial (C-H) Zoning District as requested by Bart Butler (File No. CU-2010-11). The property is located at 1406 and 1408 1/2 Madison Highway. The Planning Commission reviewed this request at their October Regular Meeting and recommended approval with conditions (7-0 vote). Mayor/Council postponed this this request at the November 11, 2010 Regular Meeting until the December 9, 2010 Regular Meeting.

Matt Martin, Interim Planning and Zoning Administrator, stated that Bart Butler is requesting a Conditional Use Permit to allow a mini-warehouse facility (5,800 sf) in a proposed C-H zoning district. The property is part of a combined series of parcels and a mixed-commercial development totaling approximately 4.7 acres. It is located at 1406 and 1408 Madison Highway and includes the former Po Ed's Restaurant which is now vacant. The applicant is proposing to develop the mini-warehouse facility on the center portion of the combined property, and behind some proposed commercial uses which include a bail bonds office and a golf cart repair shop. The mini-warehouse facility is proposed to contain a total of approximately 45 storage units, which includes both exterior and interior (climate-controlled) units. The entire development site will utilize a shared-parking arrangement as well as a shared entrance drive from Madison Highway. The property is located within an Industrial Activity Center

Character Area on the Future Development Map of the Comprehensive Plan. Given the proximity of industrial uses and other commercial uses nearby, mini-warehouses are deemed to be compatible with the surrounding development patterns. The proposed site plan indicates each of the proposed buildings to be on a separate lot and the layout design appears to meet all applicable development standards. The site plan also indicates a large area in the rear of the property for future development. Because the future layout design of this area is still unknown and the current development regulations (LDR) require special standards for mini-warehouses located adjacent to residential uses (the houses facing Roswell Drive), it is recommended that a Conditional Use approval be applicable only to the proposed building as shown on the plan. Any future development on the remainder of the property shall be subject to the development regulations in place at the time of permitting. If the future development includes additional mini-warehouse buildings, then another Conditional Use Permit may be required at that time. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval to City Council, subject to the following conditions: (1) Approval shall be for one or more mini-warehouse buildings in the location as depicted on the site plan and not to cumulatively exceed 6,000 square feet, (2) The mini-warehouse facility shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (3) Conditional Use approval shall expire after three years if construction of the mini-warehouse facility has not been initiated. The Planning Commission reviewed this at their October 25, 2010 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following conditions (7-0 vote): (1) Approval shall be for one or more mini-warehouse buildings in the location as depicted on the site plan, and not to cumulatively exceed 6,000 square feet, (2) The mini-warehouse facility shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (3) Conditional Use approval shall expire after three years if construction of the mini-warehouse facility has not been initiated

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2010-37, an Ordinance for a Conditional Use Permit to allow a mini-warehouse facility in a Highway-Commercial (C-H) Zoning District as requested by Bart Butler with the following conditions: (1) Approval shall be for one or more mini-warehouse buildings in the location as depicted on the site plan and not to cumulatively exceed 6,000 square feet, (2) The mini-warehouse facility shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (3) Conditional Use approval shall expire after three years if construction of the mini-warehouse facility has not been initiated, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-38, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 7.17 acres from Planned Mixed-Use Development (PMD) to Office-Professional (O-P) as requested by Kevin Hollis (File No. VA-2010-19). The property is located at 2320 North Patterson Street. The Planning Commission reviewed this request at their November Regular Meeting and recommended approval with conditions (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator stated that Kevin Hollis is requesting to rezone three parcels totaling 7.17 acres from Planned Mixed-Use Development (PMD) to Office-Professional (O-P). The property is located at 2320 North Patterson Street which is at the southwest corner of Roosevelt Drive and North Patterson Street. This is also directly across the street from South Georgia Medical Center. Except for a small bank in the northwest corner, the property is currently vacant. The applicant is proposing to develop the property as a conventional office complex with multiple buildings in phases. The property is located within an Institutional Activity Center Character Area on the Future Development Map of the Comprehensive Plan and within the City's Urban Commercial Corridor Overlay District (UCCOD). The property was originally rezoned from R-15 to O-P(c) in December, 2002. The conditional zoning was later modified, and then the property was rezoned from O-P(c) to PMD in February, 2007. This later rezoning was tied to a pre-approved site plan for a mixed-use development consisting of offices, residential units, and some retail. The development featured an 11-story building totaling

approximately 380,000 square feet, and also a 5-level parking deck. The existing PMD zoning is no longer recognized by the City's Land Development Regulations (LDR) and development on the property would need to be in strict accordance with the approved PMD development plan. Otherwise, the property would need to be rezoned. Changing economic and marketing conditions have necessitated downscaling of the project with the ability for it to be constructed in phases. Therefore, the applicant is proposing to return the property to O-P zoning and develop it as a conventional office park that is built in phases with much smaller buildings. Phase 1 is proposed to contain two, three-story buildings that total approximately 51,000 square feet. The remaining site is proposed to contain an existing small bank and a series of smaller office buildings that all total approximately 61,000 square feet (approximate total of 112,000 square feet for all phases). The property is planned to be under unified control with each building pad being either leased or sold, or perhaps subdivided under condominium ownership. The surrounding lands would be designated common area that contains shared parking, drainage facilities, access drives, and landscaped open space. It should be noted that O-P zoning allows a maximum of 15,000 square feet per acre. For a site containing 7.17 acres, the maximum total building area would therefore be 107,550 square feet. The applicant's proposed building pads and individual floor area totals are purely conceptual, and the actual buildings will vary from these proposed sizes and dimensions somewhat. The applicant is aware that all the buildings will need to collectively comply with this maximum limitation. Depending on the exact composition of offices being developed (medical vs. professional), available space for parking may also be a further limiting factor on the actual quantity of building area that gets approved. With a shared parking arrangement, parking provisions are deemed to be flexible among the buildings and the site "in total" will be monitored by Staff as each new office building or phase is added. It should also be noted that the property is within the UCCOD which has special architectural guidelines and development standards. Staff is content and supportive of the proposed conceptual layout and acknowledges that not all development details can yet be reviewed for compliance with existing regulations. The applicant has made very good efforts to comply with all applicable development regulations that are foreseeable at this time. Some minor variances may yet be required and these will be reviewed and addressed as needed at the time of permitting. Staff's overriding concerns about development of this property include: (1) buffering and separation from the North Toombs Street neighborhood, which the applicant has addressed, and (2) storm drainage which will be addressed as engineering plans for this property are developed and approved. In summary, the applicant is simply proposing to return the property to its former O-P zoning, but with slightly different conditions of approval, and the knowledge that general development standards for the property are now a little more restrictive than before due to the UCCOD and the adoption of the LDR. The Institutional Activity Center character area supports O-P zoning, and the responses to the adopted Standards for the Exercise of Zoning Power (SFEZP) are all positive. With the right conditions of approval, Staff is supportive of the proposed development and the rezoning request. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power and recommended approval to the City Council subject to the following conditions: (1) The only driveway access onto North Toombs Street shall be in the form of gated emergency access on durable surface as required by the Fire Department. (2) Maintain the existing undisturbed vegetative buffer along North Toombs Street for a width of at least 25' adjacent to proposed buildings and at least 10' adjacent to proposed parking areas. The only encroachments into this buffer area shall be for gated emergency access drives. (3) Provide shared common parking and appropriate cross-access easements among the various phases of the development, as needed, to provide coordinated access and adequate parking for the entire development as a whole. The Planning Commission reviewed this at their November 29, 2010 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval to the City Council subject to the following conditions (9-0 vote): (1) The only driveway access onto North Toombs Street shall be in the form of gated emergency access on durable surface as required by the Fire Department. (2) Maintain the existing undisturbed vegetative buffer along North Toombs Street for a width of at least 25' adjacent to proposed buildings and at least 10' adjacent to proposed parking areas. The only encroachments into this buffer area shall be for gated emergency access drives. (3) Provide shared common parking and appropriate cross-access easements among the various phases of the development, as needed, to provide coordinated access and adequate parking for the entire development as a whole. Councilman Yost inquired as to the number of entrances and exits they would have on Patterson Street and Roosevelt Drive. Matt Martin stated that the applicant is proposing to have two entrances on Patterson Street and one entrance for the complex on Roosevelt Drive; however, there is already an existing bank building on the corner of the property that has a small entrance into the parking area. Those are the only access points that they are proposing. Councilman Yost inquired about the access point on Toombs Street for emergencies. Matt Martin stated there would be two access points on Toombs Street. The site plan shows that the parking areas approach North Toombs Street in two locations and the conditions would be to keep that blocked off with a buffer except for an emergency crash gate. Councilman Yost inquired as to why those would be needed on Toombs Street when

there are three entrances and exits. Matt Martin stated that it would be for the Fire Department to access the property and be able to maneuver the fire trucks. Councilman Payton stated that he wanted the Minutes to reflect the concern that was noted at the Work Session regarding the potential drainage issues in that area.

Kevin Hollis, 3750 Boring Pond Road, spoke in favor of the request. Mr. Hollis stated that he represented the owners of the property and would be glad to answer any questions.

No one spoke in opposition to the request.

A MOTION was made by Councilman Carroll to rezone 7.17 acres from Planned Mixed-Use Development (PMD) to Office-Professional (O-P) as requested by Kevin Hollis with the following conditions: (1) The only driveway access onto North Toombs Street shall be in the form of gated emergency access on durable surface as required by the Fire Department. (2) The existing undisturbed vegetative buffer along North Toombs Street will be maintained for a width of at least 25' adjacent to proposed buildings and at least 10' adjacent to proposed parking areas. The only encroachments into this buffer area shall be for gated emergency access drives. (3) Shared common parking and appropriate cross-access easements among the various phases of the development will be provided as needed and coordinated access and adequate parking will be provided for the entire development as a whole. Councilwoman White seconded the motion. Councilman Vickers stated that drainage issue on this piece of property was not so much about the water that the property would generate or shed off but rather about the water that runs through the property going to the creek. This may give the City an opportunity to assist with the drainage issue because they are going to have deal with not only the water on this property but also the water that runs through the property and impacts the creek at McKey Park. Councilman Yost stated that he did not see any retention ponds on the property and inquired about underground retention. Matt Martin stated that they are required to handle retention and there are some things on the site plan for retention. Larry Hanson, City Manager, stated that they will be dealing with volume, velocity, and quality. The motion was unanimously adopted (7-0) to enact Ordinance No. 2010-38, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-39, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone .27 acres from Office-Professional (O-P) to Community-Commercial (C-C) as requested by Barker Realty and Auction Company (File No. VA-2010-20). The property is located at 1206 Baytree Road. The Planning Commission reviewed this request at their November Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that Barker Realty and Auction Company is requesting to rezone 0.27 acres from Office-Professional (O-P) to Community Commercial (C-C). The property is located at 1206 Baytree Road which is along the north side of the road, between Green Circle and Canterbury Drive, immediately east of the Citizens Community Bank. The property contains an existing building that was formerly the Cooper Real Estate office, but has been vacant for more than a year. The applicant, on behalf of the current property owner, is proposing to lease the property for a tattoo parlor with light retail (ladies apparel). The property is located within a Neighborhood Activity Center Character Area on the Future Development Map of the Comprehensive Plan and within the Baytree-University Corridor Overlay District. The property contains a residential structure that was converted to office use many years ago, in the same manner as many other such properties along Baytree Road. This particular segment of Baytree Road (across from the City of Remerton) has been trending beyond professional office type development to that which is a little more commercial in nature. The most recent re-developments along this portion of Baytree Road include the adjacent Citizens Community Bank, as well as the Macadoo's Restaurant and gas station which are approximately 100' to the east. The property's rear parking lot is already large enough to accommodate a commercial (retail) use on this property; therefore, the surrounding development patterns, existing site conditions, and redevelopment trends along this portion of Baytree Road all support commercial zoning for this property. The Neighborhood Activity Center supports C-C zoning for this property since it is located along an Arterial roadway. Because there are currently no expansions or exterior renovations proposed for this property, it is exempt from complying with terms of the Baytree-University Overlay District and many other provisions of the LDR. However, because it is a change of use from office to retail, it may be subject to certain building code requirements and these will be addressed as part of the plan review and permitting process. Staff found the request consistent with the Comprehensive Plan and the Standards for the

Exercise of Zoning Power (SFEZP) and recommended approval. The Planning Commission reviewed this at their November 29, 2010 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval (9-0 vote).

David Willis, Barker Realty, 1216 Baytree Road, spoke in favor of the request. Mr. Willis stated that he represented the applicant and asked Council's consideration in approving the request. They have a five-year lease with the tenant and they will employ six people. Mayor Fretti stated that there was a question at the Work Session regarding the operation of the business prior to the rezoning. Mr. Willis stated that the tenant has been working on the building and they met with the Permitting Office to determine exactly what they could do inside the building. Mr. Willis stated that he checked it out and also spoke with the tenant and he promised that they were not open for business. Mr. Willis stated that this process has been one of the smoothest ones he has gone through and thanked Matt Martin for his assistance.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Ordinance No. 2010-39, an Ordinance to rezone .27 acres from Office-Professional (O-P) to Community-Commercial (C-C) as requested by Barker Realty and Auction Company, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-40, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone .73 acres from Single-Family Residential (R-10) to Single-Family Residential (R-6) as requested by David DeLoach (File No. VA-2010-21). The property is located along the north side of Springhill Drive between Twin Street and Ellis Drive. The Planning Commission reviewed this request at their November Regular Meeting and recommended approval with one condition (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that David DeLoach is requesting to rezone two parcels totaling 0.73 acres from Single-Family Residential (R-10) to Single-Family Residential (R-6). The property is located along the north side of Springhill Drive, between Twin Street and Ellis Drive. The property is currently vacant and uncleared, and the applicant is proposing to re-subdivide the property into three duplex lots (total of six dwelling units) that share a common driveway and parking area. The property is located within a Community Activity Center Character Area on the Future Development Map of the Comprehensive Plan and is bounded by single-family development to the north (owned by the applicant) and four single-family home sites to the west which appear to be all renter-occupied. To the south and east, across Springhill Place there is multi-family development (Town Homes at Heather Glen), one single-family home, and a vacant lot which is zoned O-P. Beyond these immediately surrounding properties, the land use pattern is dominated by commercial development associated with the Mall area and Exit 18. Although somewhat non-conventional for duplex development, the applicant's proposed conceptual layout does meet the general development standards for duplex lots (at least 9,000 square feet each, minimum lot width and frontage of 60'). The applicant is proposing to utilize a shared system of driveways and parking area for all three lots. This will reduce the overall number of driveways onto Springhill Place from six down to two. The applicant's proposed density of dwelling units is in between the density of the single-family homes on one side and the multi-family development on the other. The proposed R-6 zoning is supported by the Community Activity Center Character Area designation. Ironically, the existing R-10 zoning is no longer compliant or supported by this Character Area which is intended for a more intensive development pattern. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval to the City Council. The Planning Commission reviewed this at their November 29, 2010 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval subject to the following condition (9-0 vote): (1) For all three properties, provide a shared driveway and parking area consisting of only one entrance and one exit.

Clayton Milligan, Lovell Engineering, 3998 Inner Perimeter Road, spoke in favor of the request. Mr. Milligan stated that he represented David DeLoach and would be glad to answer any questions.

No one spoke in opposition to the request.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (7-0) to enact Ordinance No. 2010-40, an Ordinance to rezone .73 acres from Single-Family Residential (R-10) to Single-Family Residential (R-6) as requested by David Deloach with the condition that all three properties provide a shared driveway and parking area consisting of only one entrance and one exit, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-41, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 1.08 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M) as requested by Jon Nijem (File No. VA-2010-22). The property is located at 603 Baytree Road. The Planning Commission reviewed this request at their November Regular Meeting and recommended approval with one condition (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that Jon Nijem is requesting to rezone 1.08 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M). The property is located at 603 Baytree Road which is along the south side of the road between Baytree Drive and Sustella Avenue, and immediately west of the Temple Israel synagogue. The property currently contains a small single-family home and a small abandoned commercial building. The applicant is proposing to redevelop the property as an expansion to the adjacent College Station Apartments to the rear. The property is located within a Transitional Neighborhood Character Area on the Future Development Map of the Comprehensive Plan. It is also located within the Baytree-University Corridor Overlay District. Given the four-lane arterial nature of Baytree Road and existing traffic patterns, Single-Family Residential is no longer a viable land use for properties fronting this portion of Baytree. Most all properties along this portion of Baytree have already transitioned to institutional, office, and multi-family uses, with some light commercial uses as well to the west. The applicant is proposing an expansion to an adjacent apartment complex to include the subject property, and this is very consistent with the existing land use patterns and trends in this area. It should be noted that the maximum allowable density in R-M zoning is 18 units per acre. At 1.08 acres, the subject property can only accommodate up to 19 dwelling units on its own; however, when combined with the adjacent apartment complex parcel to the southwest, it can accommodate more units as long as there is sufficient available parking on both sites. This adjacent parcel is 1.41 acres in size, has 18 dwelling units (maximum of 25 are allowed), and has 60 parking spaces. The applicant is proposing to combine the two parcels, and reconfigure the parking lot on this adjacent parcel in order to connect the parking areas together. This will accommodate the density and parking requirements as well as provide good traffic circulation on site. The property is also within the Baytree-University Corridor Overlay District. The proposed layout satisfies the District's front setback and parking requirements; however, the proposed development will still need to satisfy the District's special architectural guidelines and landscaping requirements. It should also be noted that R-M zoning requires a 20' buffer adjacent to R-10 zoning (eastern and southern boundaries), but with the inclusion of a 6' opaque fence this can be reduced up to 10' with the approval of an administrative variance. Depending on the final size, shape, and exact location of the proposed building, and final layout of the property, some variances to the LDR may be requested. Staff acknowledges the property has a narrow irregular shape and that existing topography will likely require the drainage detention ponds to be relocated to the opposite end of the property. Staff would be supportive of requested variances only if they are reasonable and represent good site design without trying to over-build the property. Staff believes all of these issues can be sufficiently addressed through the regular permitting process and should not hinder the rezoning of the property. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval to the City Council, subject to the following condition (9-0 vote): (1) Combine the parcel with the existing apartments parcel to the southwest, and connect the parking areas together for thru access. The Planning Commission reviewed this at their November 29, 2010 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval subject to the following condition (9-0 vote): (1) Combine the parcel with the existing apartments parcel to the southwest, and connect the parking areas together for thru access.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (7-0) to enact Ordinance No. 2010-41, an Ordinance to rezone 1.08 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M) as requested by Jon Nijem with the condition that the parcel be combined with the existing apartments parcel to the southwest and the parking areas are connected together for thru access, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2010-42, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 0.75 acres from Duplex Residential (DR-10) to Office-Professional (O-P) as requested by the Pregnancy Support Center (File No. VA-2010-23). The property is located at 214 West Park Avenue. The Planning Commission reviewed this request at their November Regular Meeting and recommended approval with conditions (9-0 vote).

Matt Martin, Interim Planning and Zoning Administrator, stated that the Pregnancy Support Center is requesting to rezone 0.75 acres from Duplex Residential (DR-10) to Office-Professional (O-P). The property is located at 214 West Park Avenue which is at the northeast corner of West Park Avenue and North Oak Street. The property is currently vacant and formerly contained a residential boarding house. The applicant is proposing to develop the property with a 5,000 square foot office building for use as a Pregnancy Support Clinic. The property is located within a Transitional Neighborhood Character Area on the Future Development Map of the Comprehensive Plan. It is also located within the City's local Historic District, and the proposed building was reviewed and approved by the Historic Preservation Commission (HPC) on November 1, 2010. The property is in a border area between residential uses that dominate this segment of North Oak Street, and office-type uses that dominate the streetscape along West Park Avenue between the subject property and North Patterson Street. These office-type uses are associated with the non-residential land use pattern along the North Patterson Street corridor, which in some areas has already encroached into the abutting neighborhoods along the intersecting side streets. Given the traffic volumes and minor arterial nature of this segment of West Park Avenue, it is reasonable to allow the continued transition of land uses along this roadway to office-type development; however, care should be given to the intensity of such uses so as not to be a detriment to the surrounding residential development. In particular, the residential character of North Oak Street should be protected. Additionally, this property is also part of the local Historic District and care should also be given to the scale and appearance of such uses. The HPC has already reviewed and approved the proposed facades in terms of their design and use of materials, and deemed them to be compatible with the historic qualities of the surrounding area. Staff is satisfied that the proposal is generally sufficient to be compatible with the surrounding development pattern, as long as there are appropriate conditions to ensure the maximum intensity of O-P development is not constructed on this site. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval with the following conditions: (1) the proposed building shall be limited to a maximum of 6,000 square feet, (2) drive-thru facilities shall be prohibited and building exteriors shall be residential character in design as determined by the Historic Preservation Commission, and (3) coordinate the site design with the Valdosta Engineering Department and make allowances for future intersection improvements at West Park Avenue and North Oak Street. The Planning Commission reviewed this at their November 29, 2010 meeting, found it consistent with the Comprehensive Plan and the SFEZP, and recommended approval with the following conditions (9-0 vote): (1) the proposed building shall be limited to a maximum of 6,000 square feet, (2) drive-thru facilities shall be prohibited and building exteriors shall be residential character in design as determined by the Historic Preservation Commission, and (3) coordinate the site design with the Valdosta Engineering Department and make allowances for future intersection improvements at West Park Avenue and North Oak Street.

Britt McLane, 4708 San Saba, Hahira, Georgia, spoke in favor of the request. Mr. McLane stated that he was on the Pregnancy Support Center's Board of Directors and this development will be a wonderful addition to the neighborhood. Mr. McLane asked Council's consideration in approving the request.

Glenn Gregory, 3226 Stallings Road, spoke in favor of the request. Mr. Gregory stated that his firm is the architect for this project and introduced Becky Dees, Director of the Pregnancy Support Center. Mr. Gregory asked Council's consideration in approving the request.

No one spoke in opposition to the request.

Councilman Yost thanked the Historic Preservation Commission and Staff for what they have done with this piece of property. They need more things that are conforming to what needs to be in the Historic District. Councilman Yost stated that he hoped the Pregnancy Support Center would remember that this is a neighborhood because there are some people who may later try to come back and change things and appeal to the Historic Preservation Commission to change either the structure or some of the outside.

A **MOTION** was made by Councilman Yost to rezone 0.75 acres from Duplex Residential (DR-10) to Office-Professional (O-P) as requested by the Pregnancy Support Center with the following conditions: (1) the proposed building shall be limited to a maximum of 6,000 square feet, (2) the drive-thru facilities shall be prohibited and building exteriors shall be residential character in design as determined by the Historic Preservation Commission, and (3) the site design will be coordinated with the Valdosta Engineering Department to make allowances for future intersection improvements at West Park Avenue and North Oak Street. Councilwoman White seconded the request. Councilman Payton inquired as to whether the Historic Preservation Commission would still have final input if there were any changes to the plan they presented. Mayor Fretti stated that any changes from here forward would have to go back to the full Historic Preservation Commission as it relates to the façade. The motion was unanimously adopted (7-0) to enact Ordinance No. 2010-42, the complete text of which will be found in Ordinance Book XII.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2010-20, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR TRANSPORTATION ENHANCEMENT (TE) FUNDS WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO FUND THE PATTERSON STREET STREETScape PROJECT, PHASE I

Consideration of a Resolution authorizing the filing of an application for Transportation Enhancement (TE) Funds with the Georgia Department of Transportation to fund the Patterson Street Streetscape Project, Phase I.

Mara Register, Assistant to the City Manager, stated that the Georgia Department of Transportation recently sent out a request for applications for the 2011 Transportation Enhancement (TE) funding program. This program is funded by the Federal Surface Transportation Act. The City has previously received a total of \$2 million in TE funding to assist in the Downtown Streetscape project, the Azalea City Trail project and the Martin Luther King, Jr. (MLK) Corridor Project. The proposed Downtown Master Plan includes a list of public infrastructure projects to support the continued redevelopment of the historic core of the City. The priority project under the recommended Streetscape Enhancement category is the North Patterson Street Streetscape, which is a total of ten blocks beginning at Magnolia Street proceeding north to the Valdosta State University (VSU) main campus. The plan recognizes the vital importance of linking the downtown district and the University with physical improvements, as well as future development projects and marketing initiatives. The North Patterson Street Streetscape Project, Phase I, encompasses the five block area on both sides of the street beginning at Magnolia Street and ending at Gordon Street. The proposed project has a total budget of \$650,000 to include the projected cost of design, construction, utility work, and contingencies. The maximum amount for the TE Grant in order to remain competitive due to limited funding is \$500,000. The remaining \$150,000 will serve as the City's required match and will be funded from SPLOST funds. Mara Register recommended that Council approve the Resolution authorizing the filing of an application for Transportation Enhancement (TE) Funds with the Georgia Department of Transportation to fund the Patterson Street Streetscape Project, Phase I.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Resolution No. 2010-20, a Resolution authorizing the filing of an application for Transportation Enhancement (TE) Funds with the Georgia Department of Transportation to fund the Patterson Street Streetscape Project, Phase I, the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a request for a lease-to-own proposal for 100 in-car computers for the Police Department.

Police Chief Frank Simons stated that this is a request for approval to enter into a contract for a lease-to-own purchase of 100 in-car computers from Motorola. The Police Department currently has failing computers that are seven or eight years old and they need to be replaced in order to continue the normal business and processes. Chief Simons stated that this was discussed in detail at the Work Session on Tuesday, December 7, 2010 and he would be glad to answer any questions from Mayor and Council. Councilman Vickers inquired as to whether this would be in the 2010-2011 budget. Larry Hanson, City Manager, stated that was correct. This would be the first payment of four and the City would not have to make the first payment until after July, 2011. There are funds in Chief Simons' budget now that he will no longer need which was discussed at the Work Session. The air cards will be one of the significant savings. The Police Department has currently been making repairs on the computers and most everything they have now is out of repair. The new computers will be under warranty for the entire four-year period. This will not be the full hit but they will budget what is needed. Mark Barber, Deputy City Manager of Administration, has approved this and felt this was the best way to purchase the computers given the current interest rates. The financing was very attractive. Mayor Fretti stated that, as Council has heard through the budget hearings that they have been involved in, City Departments are rewarded for having a surplus instead of being punished for having money left over and taking it away. The City rewards them by moving it into the next year and when every Department is as fiscally conservative as they can be then that allows us more money to think about at the next budget hearing. The City does not have a Department Head that continually has a deficit every year so that is to their credit and it is a good philosophy for us to have too. Larry Hanson stated that was a good point and what the Federal government and others practice is counter-productive because you either use it or lose it. If they do not spend it all then their budget is reduced the following year. That is counter-productive because it creates a culture of spending in June just to spend all of the money. The City of Valdosta will not punish Departments for not spending all their budgeted money and they are encouraged to be frugal. It is not held against them in the budget hearings and this has worked over the years. If people do not feel a need to spend then most of the City's Departments come in under budget. They do not feel the pressure to spend it and they are not going to be punished for being good stewards. Mayor Fretti thanked Chief Simons for the level of detail and comparative pricing he provided at the Work Session on Tuesday. Chief Simons stated that he appreciated the fiscally conservative remarks.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to approve the request as submitted and to enter into a contract for a lease-to-own purchase of 100 in-car computers for the Police Department.

Consideration of bids for a Grant Funded Traffic Signal Timing Study for the City of Valdosta.

Kevin Tolliver, Interim City Engineer, stated that the City of Valdosta completed a Transportation Master Plan which was adopted by the Mayor and City Council in September, 2008. One of the suggested projects was the implementation of signal timing projects throughout the City. Twenty five (25) traffic signals were chosen for this project in one quadrant of the City. If successful, other quadrants will be analyzed in the future. The City succeeded in acquiring an Energy Efficiency & Conservation Block Grant from the U. S. Department of Energy, pursuant to the American Recovery & Reinvestment Act of 2009. The grant total is \$120,000 maximum. Only fees in excess of this total are the responsibility of local funding. The revised signal timing plans are expected to save motorists 10,000 gallons of gasoline per year. The selected intersections contain the highest traffic counts for the City and contain the most number of traffic accidents. The City received proposals for the project on November 30, 2010. The City is utilizing a Quality Based Selection (QBS) process. The selection team reviewed proposals from eight firms on December 3, 2010 and recommended the bid submitted by Kimley-Horn & Associates, Inc. from Atlanta in the amount of \$100,911.58. Kevin Tolliver recommended that Council approve the bid submitted by Kimley-Horn & Associates, Inc. in the amount of \$100,911.58 plus a 10% contingency.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the bid submitted by Kimley-Horn & Associates, Inc. in the amount of \$100,911.58 plus a 10% contingency and include the list in the Council Packet which shows the streets selected for a Grant Funded Traffic Signal Timing Study for the City of Valdosta.

Consideration of bids for the City of Valdosta's Water Treatment Plant Well No. 4 Remediation/Rehabilitation Project.

Henry Hicks, Utilities Director, stated that the well field at the City of Valdosta's Water Treatment Plant has slowly started to encounter water quality issues associated with surface water intrusion. As a result, Well No. 3 was recently abandoned as directed by Georgia Environmental Protection Division (EPD). As part of the agreement to abandon Well No. 3, the Georgia EPD authorized the City to attempt to remediate or redevelop three other wells (Nos. 4, 6, and 7) also showing the influence of surface water versus their abandonment. Well No. 4 has the highest level of surface water influence and can be covered under Phase I of the 2006 Georgia Environmental Facilities Agency (GEFA) Loan. On November 11, 2010, Council authorized Amendment No. 2 to Camp Dresser McKee's (CDM) contract for bidding and construction service with regards to Water Treatment Plant (WTP) Raw Water Well No. 4 redevelopment. Bid advertisements were released on October 29, 2010 and published in the Valdosta Daily Times on October 30, 2010. A mandatory pre-bid conference and site visit was held on November 11, 2010. The bid opening was held on November 29, 2010 with two bidders responding. GIC Water Systems from Dublin, Georgia submitted a total price of \$184,988 and Rowe Well Drilling from Tallahassee, Florida submitted a total price of \$111,942. Following review of bid documentation provided at the bid opening, Rowe Well Drilling did not provide a copy of their Georgia Well Contractors License and insurance information as required with their bid nor did they provide costs for installing new pump and appurtenances as specified in Item 1.13 of the Measurement and Payment. In addition, Rowe is proposing to use explosives to increase the yield of the open interval as part of the well rehabilitation. While this is a viable alternative, there are safety concerns due to the fact that this well is in Freedom Park, and the bid documents specifically required Airburst Technology in Section 6.38. As a result, the Utility Department is recommending award of the contract to as the lowest responsive and responsible bidder GIC Water Systems. Henry Hicks recommended that Council approve the bid submitted by GIC Water Systems in the amount of \$184,988 for the Water Treatment Plant Well No. 4 Remediation/Rehabilitation Project.

A MOTION by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (7-0) to approve the bid submitted by GIC Water Systems in the amount of \$184,988 plus a 10% contingency for the Water Treatment Plant Well No. 4 Remediation/Rehabilitation Project.

LOCAL FUNDING AND REQUESTS

Consideration of a request to adopt the Valdosta Downtown Master Plan.

Mara Register, Assistant to the City Manager, stated that historic downtown Valdosta has gone through a significant resurgence since the mid-1990's with the completion of the Streetscape Project. Significant public and private investment has occurred since that time, but there has been a lack of a comprehensive strategic plan to guide the continued growth of the downtown for the years to come. The Central Valdosta Development Authority (CVDA) and the City of Valdosta joined together in early 2010 to fund the creation of the Valdosta Downtown Master Plan. The Valdosta Downtown Master Plan is an initiative to establish a vision for downtown sustainability and growth over the next 20 years, and a work program to achieve that vision in a realistic and equitable way. Much effort has been put into improving the historic core of Valdosta and investing in local business, both by City leadership and individuals committed to downtown. The Master Plan builds on this foundation by recommending strategies to address problems in the core, strengthen what has been accomplished, and expand and diversify downtown to keep it central to Valdosta and the region. The Master Plan will be presented to the CVDA for adoption at their regular meeting on December 14, 2010. Mara Register recommended that Council approve the request to adopt the Valdosta Downtown Master Plan.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve the request to adopt the Valdosta Downtown Master Plan.

Consideration of a request to purchase 20 tickets for the 2011 Martin Luther King, Jr. Commemoration Association Banquet.

Larry Hanson, City Manager, stated that each year the Valdosta-Lowndes County Martin Luther King, Jr. Commemoration Association celebrates the Martin Luther King, Jr. Holiday by sponsoring many activities in our community. The 2011 celebration will mark the 26th year of organizing this event which will be held January 15-17, 2011. The Founder's Banquet is one of the highlights of the Martin Luther King, Jr. Holiday festivities. This year the event will be held on January 8, 2011 at 7:00 p.m. at the James H. Rainwater Conference Center. The City

of Valdosta has been a sponsor of this event for several years and they are requesting the City's participation again this year with the purchase of 20 tickets at \$20.00 each. Larry Hanson stated that the City would be purchasing tickets to attend a meal or banquet function as is with the Chamber of Commerce Banquet. There is no request on the Agenda for contributions to non-profit organizations. Larry Hanson recommended that Council approve the request to purchase 20 tickets for the 2011 Martin Luther King, Jr. Councilman Vickers stated that the City has been a sponsor of this event for many years and it would not be what it is today if it were not for the City's support. George Talley, City Attorney, stated that the City is purchasing something of value. Larry Hanson stated that when the City enters into a relationship with non-profit organizations it has been through a contract. When the City contracts with the groups it is for them to provide a specific service for an amount of money and it is not a gratuity or donation. Likewise, this is not a donation to an organization but rather purchasing tickets to attend a banquet. Councilman Carroll stated that one of the things that make any city truly great is the partnerships that it forms between local government and local charitable and civic organizations. This is clearly another link in that interlocking hand in support of each other.

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve a request to purchase 20 tickets for the 2011 Martin Luther King, Jr. Commemoration Association Banquet.

Consideration of a request to approve sponsorship of a table at the Valdosta-Lowndes County Chamber of Commerce's 99th Annual Dinner.

Larry Hanson, City Manager, stated that every year the Valdosta-Lowndes County Chamber of Commerce holds its Annual Dinner in January at the James H. Rainwater Conference Center. The City of Valdosta has been a sponsor of the event in past years. This year the Chamber will hold its 99th Annual Dinner Meeting on January 25, 2011 from 6:30 p.m. to 8:30 p.m. at the James H. Rainwater Conference Center. Corporate tables of 10 are \$350. Larry Hanson recommended that Council approve sponsorship of a table at the Valdosta-Lowndes County Chamber of Commerce's 99th Annual Dinner.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to approve sponsorship of a table at the Valdosta-Lowndes County Chamber of Commerce's 99th Annual Dinner.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that he attended the Suwanee-Satilla Regional Water Council Meeting in Douglas and made a presentation to them. It went extremely well and the Council was very receptive. There were approximately 30-40 members there and they had a lot of questions. It was confirmed by Cliff Lewis of the Environmental Protection Division that they did adopt the recommendations. They have also committed to appoint a sub-committee by February, 2011 and they will study the regional stormwater issue. They were most excited about the comments made that this will be an opportunity to address the issue of stormwater and low flow. There are periods of time throughout the year where agriculture particularly suffers because the streams that feed their ponds for irrigation have little or no flow. They see this as an opportunity to address both issues by having regional retention to prevent and eliminate stormwater issues while at the same time collecting the water and using it during periods of time where there are drought conditions.

The local Legislation delegation was helpful in securing the State Department of Corrections prison crew which will be mobilizing in January, 2011. We have asked them to take the old Hulstein-Taylor gas station next to the Crime Lab and convert that into a vehicle processing center for the Police Department. The State will provide the prison detail and all of the labor will be free. The prisoners are trained in construction work while incarcerated. They will be replacing the roof, retrofitting the interior, providing a new outside appearance, installing a new HVAC system, and laying a top coat of asphalt. Chief Simons will use this for vehicles that are involved in accidents where there may be evidence underneath the vehicle or where narcotics are often hidden. This will serve two purposes. It will allow the Police Department to have access by the lifts in the station to look for and gather evidence and when vehicles are involved in an accident or investigation and need to be in a compound area there will be a safe and secure place to store those vehicles.

Larry Hanson thanked everyone involved in the Downtown events and the Christmas Parade on Saturday, December 4, 2010. There was a lot of activity going on with the ice rink and with the Downtown Business Association as well as the Central Valdosta Development Authority. This was one of the largest attended one-day events we have experienced in our Downtown area.

Councilman Vickers stated that he was concerned about the comments he keeps hearing about Valdosta being anti-business. He is not anti-business and inquired as to whether it was something other than the Land Development Regulations or Sign Regulations that was driving them out of business. Larry Hanson, City Manager, stated that half of the businesses named earlier tonight were not even in the City of Valdosta and two of them were in Lake Park. Mayor Fretti stated that he did not think that any of these things were driving them out of business. These businesses have been in business for a long time and are having a rough time right now due to the economic downturn. Councilman Vickers stated that he would like to know specifically what the City has done to contribute to those businesses going out business. George Talley, City Attorney, stated that all businesses are hurting right now and we should ask them. Councilman Yost stated that he would also like to find out specifically what they think the problem is as far as the City causing them to go out of business. Councilman Yost asked that the City Manager meet with a group of the business owners between now and the end of January to find out what the specific items are that have caused them to go out of business. Mayor Fretti stated that we could have the City Manager call those businesses that were named and find out if there was something that the City did to cause them to go out of business. Councilman Carroll stated that the City did make a positive step with the changes enacted with the Sign Ordinance. The City and the County are taking steps and have been taking steps to improve the customer service and work flow of applications and permits through the inspections and permitting processes to make it better. We should always be open to looking at what could be done to make the Ordinances more user and business friendly. Councilman Wright stated that sometimes the individuals do not know what the process is for starting a business and they might end up with a building they cannot do anything with. They get caught up in the bureaucracy and have to pay money for rent while they are trying to get issues resolved. Councilman Vickers stated that there is a First Step process that provides them with the information and a checklist. Larry Hanson stated that this is a two month process because it is a Georgia State law. A rezoning has to be advertised and it has to go before a Planning Commission and Council. Councilman Carroll stated that the Chamber of Commerce has a program called S.E.E.D.S. which is free and will answer all of those questions. Councilman Wright stated that people have good intentions and put their money into a business but they need a better way of being educated. Larry Hanson stated that the City has recognized some areas that could be improved and they have sent everyone involved in plan review to training in Orlando, Florida and we are now implementing some new changes.

Councilman Payton thanked Larry Hanson for his presentation to the Water Council and inquired as to whether the local delegation has influence on this Committee. Larry Hanson stated that the Governor, Lt. Governor, and others appointed the Regional Water Council so it is a very influential Committee with approximately 40 members. We think of water in south Georgia in a different way than north Georgia and they have a completely different set of issues. The Council has been studying multiple issues and they will development recommendations for the next 20 years for the State of Georgia that include very controversial things such as inter-basin transfers. There has been a lack of regulations upstream from us which have led to a lot of the issues. There has been uncontrolled development which leads to an increase in the velocity of water causing silt and sedimentation build up. This makes the State start releasing water during and in advance of storms that flood our communities.

Councilman Yost stated that 2010 has been a great year and he appreciated Staff and all that they do for the citizens of our community and Council members. Councilman Yost also welcomed Councilman Norton.

Councilman Vickers stated that he had concerns about the Biomass Plant. Council has a limited role in it but he does not know what to believe and what not to believe. It is hard to believe that the Industrial Authority would knowingly bring something detrimental into the community.

Mayor Fretti stated that he was in attendance at a Work Force Development Meeting in Atlanta this week and Wiregrass Technical College has applied for another sustainability grant in the amount of \$200,000 to help with workforce development and a certified trained workforce. Mayor Fretti also stated that while in Atlanta he presented the Lt. Governor with our City of Valdosta Sesquicentennial crystal coca cola bottle, coin, and Christmas ornament. He also spent some time with Governor-Elect Deal and presented him with a coin as well.

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Norton, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the December 9, 2010 meeting of the Valdosta City Council at 7:59 p.m. to meet again in regular session on Thursday, January 6, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta