

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, FEBRUARY 11, 2010
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, Deidra White, John Eunice, Robert Yost, and James Wright. The invocation was given by Minister Eric Cureton, River Street Church of Christ, followed by the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE FEBRUARY, 2010 EMPLOYEE OF THE MONTH AWARD

Mayor Fretti entertained a motion for the February, 2010 Employee of the Month Award.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the February, 2010 Employee of the Month Award.

Mayor Fretti presented the February, 2010 Employee of the Month Award to Gregory Gandy, Utilities Department.

Gregory Gandy began his employment with the City of Valdosta Utilities Department in October, 1981 as a Lab Analyst which is the position he currently holds. The duties of his position involve performing various laboratory analyses required by the State at the Mud Creek Treatment Facility. Additionally, Mr. Gandy performs routine daily analysis of samples, all QA/QC tests, and provides outside analysis for other permitted systems. During his long tenure with the City, Greg has always been an employee who goes above and beyond what is required to get the job done. Such was the case late last year when the manhole where both sewer lines converge before going into the Plant's pumping station collapsed. This required extensive repairs and the coordinated efforts of contractors, the Sewer Collection Department, and the Treatment Plant personnel. Due to the reassignment of personnel and the need for the Plant Superintendent and Maintenance Supervisor to be involved with the repair work, Greg stepped up and assisted in operating the plant. During this time, Greg not only performed his daily duties as a Lab Analyst but helped supervise the operation of the Treatment Plant and its personnel on the day shift until the repairs to the manhole could be completed. It has been said that leadership is not practiced in words but in attitude and action. Mr. Gandy's willingness to step in and carry the extra load of assisting in the operation of the Mud Creek Plant in a time of crisis demonstrated true leadership qualities and a can do attitude. Thanks to his efforts, the repairs were made with minimal downtime while the operation of the lab continued without the disruption of a critical service to the citizens of Valdosta. For these reasons and many others, the Employee Relations Committee nominated Greg Gandy as Employee of the Month.

PRESENTATION OF THE MUNICIPAL AUDIT FOR FISCAL YEAR 2009

Presentation of the Municipal Audit for Fiscal Year 2009.

Mayor Fretti stated that Wade Sansbury, Mauldin & Jenkins, LLP will present the Fiscal Year 2009 Municipal Audit. The Audit is also available for citizens to review on the City's web site.

Wade Sansbury, Mauldin & Jenkins, LLP, thanked the Mayor and Council for allowing them to serve the City. This year the City will receive an unqualified opinion and in the opinion of Mauldin & Jenkins, LLP the financial statements present fairly in all material respects the financial position for the year ending June 30, 2009. These statements are the responsibility and representation of management and their responsibility to express an opinion. The statement of net assets indicates that the City ended with \$261.7 million, \$18.6 million in total liabilities, with a net asset of \$243.1 million. One change in 2009 was the implementation of Governmental Accounting Statement Board (GASB) 45 which was the Other Post Employment Benefits (OBEP) requirement that all governments had to implement this year. This required the recording of \$1.8 million additional liability and

expense for the year. Without this actual expense the City would have had approximately \$1.5 million increase in total net assets for the year. With the OPEB expense for the year, there was a small decrease of \$300,000. Under Governmental Funds, the total assets were \$14.7 million and a total Fund Balance of \$12.7 million for the end of the year. This was a small increase over the prior year. Mr. Sansbury stated that the audit went very well and the City of Valdosta's Finance Department does an extremely good job. The Finance Department prepares the audited financial statements which not many local governments from across the State do. This fiscal year saw some difficulties with regards to revenues and expenditures but this is a positive report for the City. Larry Hanson, City Manager, asked Mr. Sansbury to address the new financial software and how that assisted them with the audit. Mr. Sansbury stated that the new system will allow the City to do a lot of things going forward. It also helps the auditing process and anywhere there is an Internet connection they were able to log into the system and obtain information and reports remotely. Mayor Fretti stated that Mauldin & Jenkins, LLP performs audits on hundreds of municipalities and counties across the State and he thanked Mr. Sansbury for their work on the audit.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to accept the Municipal Audit for Fiscal Year 2009.

APPROVAL OF MINUTES

The minutes of the January 21, 2010 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Jean Arambula, 110 West Force Street, stated that she has lived there for ten years and was concerned about the neighborhood. She has lived in and visited many college towns and has never seen neighborhoods in such close proximity to a university in the condition of her neighborhood. Usually these neighborhoods are prime real estate but over the last few years she has noticed an increase of crime and poverty in the area. Ms. Arambula stated that she was also concerned about pedestrian-friendliness and sidewalks. Mary Street between Oak Street and Sustella Avenue has seen new development and construction, a private apartment complex, and the Valdosta State University Field House. She has walked this street and there are no sidewalks. At the corner of Mary Street and Oak Street you have to step around a telephone pole and into the street. Many pedestrians use this street and it is very dangerous and unfriendly. Ms. Arambula stated that increasing the ability to walk in a neighborhood is the first step to increasing safety and quality of life. This is just one street in her neighborhood that needs attention. Ms. Arambula encouraged Council to spend time in this area in order to recognize its problems and potential. You will observe numerous vacancies, vacant lots, and houses sitting empty, yet a new apartment complex was allowed to be built on Mary Street on what appears to be a wetland. There is a three foot pond located within a few feet of the construction. Valdosta State University has also been permitted to install a recycling center, six foot chain link fences, and has garbage trucks in a neighborhood with historic homes. The neighborhood does not work as a good marketing tool for Valdosta State University nor the City. It shows a lack of cooperation between a City and the University and really poor planning. It is time this neighborhood is addressed by the City, the University, and the neighborhood itself. Continuing development for development sake without any idea of how to sustain the growth, especially when roads and sidewalks throughout the City are in disrepair, will only continue to destroy the quality of life in our City.

Tommy Fountain, 363 Gil Harbin Boulevard, stated that he works at the Valdosta Transitional Center and wanted to publicly thank the City and the Council for the support they have received at the Transitional Center. The Transitional Center is a work release program operated by the Georgia Department of Corrections and they provide residents with 6-12 months out on their sentence an opportunity to get a job, put some money in the bank, and provide them with an opportunity to succeed once they have completed their incarceration. In 2007, the program was initiated in Valdosta and they started with two residents working for the City. At the present time, there are 14 residents working with the City. Mr. Fountain thanked Charlie Felts, Human Resources Director, and John Whitehead, III, Deputy City Manager of Operations, for their assistance and extended an invitation to the Mayor and Council to visit the Transitional Center. Mayor Fretti stated that he was at his business and one of the

City work crews stopped and the driver introduced one of the employees who was from the Transitional Center. Mayor Fretti told the employee that this was a wonderful opportunity for him and if he kept clean he would probably have a job for life with the City of Valdosta. The driver told the Mayor that when the employee was finished with the Transitional Center he was going to take him in as a roommate and mentor him. Mayor Fretti stated that this demonstrates a show of brotherly love and trying to help him make his own way.

John Robinson, 3227 San Juline Circle, Lake Park, thanked the Mayor and Council for their support of the recent Martin Luther King, Jr. Memorial Ceremony. Mr. Robinson stated that with all of the efforts that everyone is putting forth on the Valdosta Small Emerging Business Program (VSEB) they could make Valdosta shine. There was some information provided by Tribe, Inc. that provides a scenario of the downfalls that may be found with some small business. Mr. Robinson spoke with a bank last week to encourage their participation in the program and was told that they had already spoken with Hunter Harper. Mr. Robinson presented a copy of a letter to the Mayor and Council and stated that if they work together they can make changes. He is also talking to some Pittsburgh Steelers about coming to Valdosta to discuss bringing some investments into the community.

PUBLIC HEARINGS

ORDINANCE NO. 2010-1, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 1.68 acres from Single-Family Residential (R-10) County to Single-Family Residential (R-10) City as requested by New Jerusalem Missionary Baptist Church (File No. VA-2010-01). The property is located at 3488 and 3498 Engberg Avenue. The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting to rezone two parcels consisting of 1.68 acres from Single-Family Residential (R-10) County to Single-Family Residential (R-10) City in order to expand an existing church. The request is running concurrently with an annexation request for the same property. The property is located at 3488 and 3498 Engberg Avenue just west of Engberg Avenue's intersection with North Forrest Street Extension. The parcels currently contain an existing church and an undeveloped lot. The parcels are within a Community Activity Center Character Area on the Future Development Map. The adjacent properties consist of an auto dealership, a daycare, and some residences. A site plan shows the existing church, cemetery, and parking and the applicant would like to combine the two parcels and add a larger sanctuary. Given the consistency of the request with the current zoning and the surrounding properties, 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 January 25, 2010 regular meeting and recommended approval (8-0 vote) based on consistency with the Comprehensive Plan and the surrounding development.

Corey Ewing and John Robinson, Tribe, Inc., 122 North Patterson Street, spoke in favor of the request. Mr. Ewing stated that they represented the applicant and asked Council's consideration in approving the request. Mayor Fretti inquired as to whether there was room for expansion. Mr. Robinson stated that there was room for expansion within the lot.

George Blount, 3937 Winfield Drive, spoke in favor of the request. Mr. Blount, Minister of the New Jerusalem Missionary Baptist Church, stated that the new building would add more room for growth so that they would be able to better serve the community.

Larry Gilbert, 4106 Martha Place, spoke in opposition to the request. Mr. Gilbert stated that he lives across the street from the Church and he was concerned about the lot directly across from the Church being used as a parking lot without a permit. They have been parking there until the last meeting with the County and have now closed the lot. Mr. Gilbert inquired as to whether there would be available parking with what the Church is proposing. Mr. Gilbert stated that he was told at the last meeting that it would not be approved without that and he does not see how that will be possible. Engberg Drive is lined up and down both sides of the road when there is a funeral at the church and if the size of the church is increased he wondered where all of the people would park.

Mayor Fretti stated that each structure built within the City has a square footage or how many seats and the equivalency of how many parking spaces they will need. They will have to abide by that unless they come forth with for a variance. Mayor Fretti inquired as to whether the parking spaces have been submitted for plan review. Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant has not submitted any plans to date as they were awaiting the approval of the request for rezoning, annexation, and a Conditional Use Permit. The applicant would have to meet the minimum parking requirements based on the size of the church. The property that Mr. Gilbert is referring to is still in the County and was brought up at the Planning Commission Meeting. This is basically an enforcement issue with the Lowndes County Code Enforcement Officers and they will need to address the work being done without a permit and the property being used for something that it is not zoned for. Mayor Fretti stated that the vacant lot could not be included for parking since it is located in the County. Anne-Marie Wolff stated that there are shared parking provisions but this would not qualify because it is zoned Residential. Mayor Fretti stated that this will be submitted as a plan and will go through departmental review to ensure that the parking is provided for the amount of square footage. Mr. Gilbert stated that he had nothing against the church but he has lived there for 30 years and did not want a parking lot in his backyard.

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2010-1, an Ordinance to rezone 1.68 acres from Single-Family Residential (R-10) County to Single-Family Residential (R-10) City as requested by New Jerusalem Missionary Baptist Church, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2010-2, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4

Consideration of an Ordinance to annex 1.68 acres as requested by New Jerusalem Missionary Baptist Church (File No. VA-2010-02). The property is located at 3488 and 3498 Engberg Avenue. The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting to annex 1.68 acres into the City of Valdosta to gain access to City services for the expansion of an existing church. The property is contiguous to the City limits and no unincorporated islands would be created by its annexation. Given the property's location to current City limits and the fact that the proposed church expansion is consistent with surrounding development, Staff found the request consistent with the goals and policies of the Comprehensive Plan and recommended approval of the annexation request. The Planning Commission reviewed this request at their January 25, 2010 regular meeting and recommended approval of the annexation (8-0 vote) based on consistency with the Comprehensive Plan

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2010-2, an Ordinance to annex 1.68 acres from Single-Family Residential (R-10) County to Single-Family Residential (R-10) City as requested by New Jerusalem Missionary Baptist Church, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2010-3, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A CHURCH IN A SINGLE-FAMILY RESIDENTIAL (R-10) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a church in a proposed Single-Family Residential (R-10) District as requested by New Jerusalem Missionary Baptist Church (File No. CU-2010-03). The property is located at 3488 and 3498 Engberg Avenue. The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting is requesting a Conditional Use Permit to allow a church in a proposed Single-Family Residential (R-10) Zoning District. The request is running

concurrently with the previous rezoning and annexation requests for the same property. The church is in existence and the request stems from a desire to be annexed into the City for water and sewer services for a potential expansion. The parcels are located near residential and commercial uses and are in a Community Activity Center Character Area which supports a variety of services for neighborhood use. Based on the fact that the proposed use meets the Conditional Use Permit Criteria and is consistent with the Comprehensive Plan, Staff recommended approval of a Conditional Use Permit for a church. The Planning Commission reviewed this request at their January 25, 2010 regular meeting and recommended approval (8-0 vote) based on consistency with the Comprehensive Plan and the surrounding development.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2010-3, an Ordinance for a Conditional Use Permit to allow a church in a proposed Single-Family Residential (R-10) District as requested by New Jerusalem Missionary Baptist Church, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2010-4, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone 1.11 acres from Single-Family Residential (R-15) to Office-Professional (O-P) as requested by Ben Futch (File No. VA-2010-03). The property is located at 2400 and 2410 North Oak Street. The Planning Commission reviewed this request at their January regular meeting and recommended approval (7-1 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone 1.11 acres from Single-Family Residential (R-15) to Office-Professional (O-P). The property consists of two parcels both which currently have Single-Family homes on the property. These homes would be removed and new offices would be constructed to accommodate a proposed doctor's office and minor surgery center. The parcels are located on the southwest corner of the intersection of North Oak Street and Gornto Road. The predominate use of the area is Single-Family Residential although Valdosta Family Medical complex is located north of the property. The conceptual site plan depicts ingress/egress off of Gornto Road and Pinecrest Drive. The main building is located on the northern part of the site plan and is approximately 3,700 square feet with a future addition of approximately 2,200 square feet. The existing one story brick home on the southern portion would be part of the Phase II development. Parking would be shared between the two properties. Stormwater management and some landscaping and buffering is shown on the site plan but it does not currently meet all of the requirements of the Land Development Regulations (LDR). Also, in the LDR, O-P zoning does not permit parking in the front yard as is shown on the site plan and this is intended for predominate office areas where it would look more aesthetically pleasing to have the offices fronting the road with the parking in the back. It is not intended for O-P when it would be abutting a residential property. The applicant could apply for an administrative variance to this provision provided a 10-foot landscape buffer is installed between the parking and the roadway. The parcel is located within an Established Residential Character Area on the Future Development map. Across the street where Valdosta Family Medical is located is a Neighborhood Activity Center Character Area but the boundary of that area is Gornto Road and Oak Street. There are no wetlands or environmental resources on the property besides the existing vegetation that is currently there. When Staff reviewed the rezoning request they looked predominately at the established Residential Character Area designation and the established Residential properties. Valdosta Family Medical Center opens up the thought that rezoning this property would be appropriate but when that property was rezoned in 1999 Staff and the Planning Commission recommended denial. That was an undeveloped lot and at the time was not well maintained. Staff feels that all of the surrounding properties in the area are well maintained or have the opportunity to be well maintained should the property owner choose to do so. They feel that the area is still extremely viable and though Woodrow Wilson is proposed for extension to Gornto Road, Staff did not feel that extending a road and increasing the traffic counts is justification for changing the land use in the area especially since that has not happened yet. Once the full effects of the Woodrow Wilson extension have been demonstrated

then the request may be appropriate. At this time, Staff did not feel it was and they used Jerry Jones and Eager Road as a high volume road going through a very well established neighborhood. Given the Single-Family Residential nature of the immediate area, the location of the parcels within an Established Residential Character Area, and the prematurity of the request, Staff found the rezoning request inconsistent with the Goals and Policies of the Comprehensive Plan and recommended denial. The Planning Commission reviewed this request at their January 25, 2010 regular meeting and recommended approval of the rezoning request (7-1 vote) based on the proposal's consistency with the existing medical development north of the subject parcels and the impact the extension of Woodrow Wilson will have on the immediate area. Councilman Payton inquired as to whether Staff and the Planning Commission voted not to rezone the existing Valdosta Family Medical building in 1999. Anne-Marie Wolff stated that was correct. Mayor Fretti stated that was considered spot zoning and is used in planning cases around Georgia to illustrate what not to do. Mayor Fretti stated that he did not remember seeing Gornto Road on any long range transportation improvement plans to be widened. Anne-Marie Wolff stated that she did not believe it was on the list for any type of widening.

Ben Futch, 898 Long Pond Road, Lake Park, spoke in favor of the request. Mr. Futch stated that he was representing his son, Pierce Futch, who is a graduate of the local school system and Valdosta State University. After his undergraduate studies he attended Temple Medical School in Philadelphia and graduated with a Doctorate of Podiatric Medicine in 2006. He then did a three-year surgical residency at the VA Hospital in Decatur, Georgia. He currently has a private practice in Tampa, Florida and has decided that he would like to return to Valdosta to practice medicine. The property located on the corner of Gornto Road and Oak Street is under contract from the owners and their intended use is subject to this rezoning request. Both of these properties are facing Oak Street and have Oak Street addresses and are located at the corner of the intersection where the new Woodrow Wilson to Oak Street thoroughfare will be coming through. They would like to build an office that will look similar to the office that Todd Wilson built for Coldwell-Banker on Gornto Road. The building will have white siding and brick skirting on it with a high pitched roof. It is basically a traditional southern type of architecture that lends itself to a residential look. They have many property owners who are in support of the request and they have property owners whose property touches these tracks or are located across the street and they look at these tracks of land. They have also had some of these supporters to go around with a petition and which has been signed by 57 property owners within the immediate neighborhood which includes Terrace Boulevard, Newbern Street, Clyde Avenue, Toombs Street, Victory Drive, and the neighborhoods surrounding that. The reason that they have had positive support is that they have shown them the rendering and the plans and told property owners about their intentions. Mr. Futch stated that at the Planning Commission Meeting there were some people in opposition and he wrote down what they said because he was trying to accommodate their concerns. Mr. and Mrs. Eppes who live on Pinecrest Drive were concerned about the driveway onto Pinecrest Drive. Mr. Futch told Mr. Eppes after the Planning Commission Meeting that they would do everything they could to try to not come out on Pinecrest Drive and have a curb cut or right-of-way encroachment issued so that they could go out on Oak Street rather than Pinecrest Drive. They provided information on that to Von Shipman, City Engineer, and they have come up with another site plan which is conceptual and preliminary. This was made for the zoning request they were asked to furnish. After speaking to Von Shipman and their Engineers, the regulations on public improvements will allow a minimum driveway setback of 100 feet from the intersection of a minor arterial road. Both Oak Street and Gornto Road are minor arterial roads so this means that they could have an entrance off of Gornto Road into the parcel which is the 2410 parcel and then exit or ingress/egress exit onto Oak Street. This is what their Engineer came up with per the regulations. He has been over this with Von Shipman and was told that they could have a curb cut onto Oak Street. Mr. Futch stated that he hoped this would help with the concerns that the Eppes' had about going out onto Pinecrest Drive. That should allow them to go in and buffer the section on Pinecrest Drive on the 2400 property and strictly use ingress/egress from Oak Street. Von Shipman did say that when he saw a final site plan he might request an exit only onto Pinecrest Drive but after a conversation with Mr. Shipman and their Engineer they feel that they could eliminate that concern and just use a curb cut on Oak Street. If they get the curb cut on Oak Street they will not be coming onto Pinecrest Drive and they can put up fencing and landscaping and not encroach on Pinecrest Drive. Another concern at the Planning Commission Meeting was the parking lot lighting. There was a misunderstanding as to what they were building with the parking lot. They plan to install low density security lighting. This is not a commercial venture and they will not be putting up power poles and floodlights. Another concern was encroachment of commercial development which was in a letter sent to Council. This is not a request for Commercial Zoning but is a request for Office-Professional. Increased traffic patterns were a concern and the

projected patient load will be approximately 30 patients a day plus employees for a total of approximately 40 vehicles per day. There were some questions from the Eppes about the use of the 2400 property on Oak Street. If the rezoning request is granted, they will raise the old 2410 property on the corner and are fairly certain but cannot commit that while they are doing the demolition and raising the buildings they will also do it on the 2400 parcel. They have an investment in this property and what they are paying for these two tracts far exceeds what their value is at their present use. They are paying more for this real estate than residential price. They plan to hold the 2400 property beside the Eppes for Dr. Futch's future needs; however, in the interim and because of the cost of investment, they plan to lease the property. Their options are to leave the house as is and knock off just the wing and do some renovations or tear it down and build something comparable to this type architecture that would compliment the area. They are going to need to do something with it to help with their investment and they plan to lease this property to a medical-related business that would compliment Dr. Futch's business. There were also some questions about quality of life and contrary to what these exiting properties are used for now, which is college rental, Dr. Futch's office would be open 8:00 a.m. to 5:00 p.m. Monday through Friday and no noise after hours or on the weekends. Property values were also a concern and they have spoken with some professionals and believe that the use and what they want to do with the property will actually enhance the property. They do not want to do anything that would hurt property values. They have looked at property around the hospital area and it is lean. They cannot afford to purchase commercial land on Ashley Street or Patterson Street for this purpose. These properties are now zoned Single-Family Residential (R-5) but that is not what they are being used for. They are being used as rental and may not turn back to the pristine residential homes that they originally were. The intersection of Oak Street and Gornto Road has changed and this is not the same neighborhood where Mr. Futch once roamed and played in 50 years ago. They feel that the medical office will be a better buffer for the neighborhood than the rental property that is currently there. The Planning Commission voted 7-1 in favor of the request and they have 57 neighboring property owners who are in favor of their plan. They feel that the request is logical and what they will build on the property will be a far better use than what is presently there. Councilman Yost inquired as to why they originally wanted the entrance and exit on Pinecrest Drive and not Oak Street. Mr. Futch stated that at the time they had not done a complete study on everything they could do as if they were creating a site plan for construction. They did not know what the rules were as to how far back from an intersection they would have to be and did not know if the City Engineer would approve it or not. Councilwoman White inquired as to whether they had a backup plan if this was not approved. Mr. Futch stated that they did not have another piece of real estate under contract. The parcels that they looked at to start with are extremely expensive and is cost prohibitive for what he needs to do. Councilwoman White inquired as to whether he would be open if this were approved with a condition to exclude Pinecrest Drive. Mr. Futch stated that if this was approved they would be more than happy to coming off of the 2400 property and that would be their preference to come off onto Oak Street which was discussed with Von Shipman.

Kevin Tolliver, Assistant City Engineer, stated that he had two sites and the one on the screen tonight is the original proposed site and then he has a revised site that has an entrance from Oak Street. Mr. Tolliver stated that his concern and Von Shipman's concern with the site was that if there was no Pinecrest Drive exit then they could have a situation where if someone came into park and there was no space they would have to back out; however, it appears that Mr. Futch has addressed that concern. They also had a concern with the two parking spaces near Oak Street and if they had an exit there then the two parking spaces would impede traffic with ingress and egress traffic onto Oak Street. Mr. Tolliver stated that he has not spoken with Von Shipman today who is out sick but it appears that Mr. Futch has addressed both of those concerns.

Matt Phelps, Lovell Engineering, stated that their initial thinking was to utilize the existing intersection of Pinecrest Drive on Oak Street and not add a curb cut; however, after taking into account the neighbors' concerns they looked at the spacing from the Gornto Road intersection and it would not meet the spacing requirements if they put a drive off of Oak Street so that is why they revised it. Mayor Fretti stated that if that was approved there would be no condition needed. Ben Futch stated that they do not want to go onto Pinecrest Drive. They understand their concerns and they will buffer the property and do whatever they need to do as long as they can get the curb cut onto Oak Street.

Councilman Eunice inquired as to whether the patients would have to come in on Gornto Road and exit onto Oak Street. Ben Futch stated that he had discussed this with Matt Felts, Lovell Engineering, and it depends on

where the stormwater detention area actually is after they conduct a topography survey. They would like to have the parking with wide enough space behind it so that they could either back out and come out off of Oak Street or back out and exit the way they came in. Councilman Payton mentioned the possibility of Woodrow Wilson being extended and inquired as to how much that plays into Mr. Futch's decision for this location. Mr. Futch stated that it would be an asset for his son's use because it would be easier to get access traffic-wise but they probably would ask for the same rezoning if that road project was not coming through. There is no Office-Professional for medical offices around the hospital. Councilman Yost stated that everyone is assuming that Council is going to put Woodrow Wilson through to Gornto Road and inquired as to what the reason would be to extend it and what would the traffic count be. Kevin Tolliver, Assistant City Engineer, stated that they expect the traffic count on Gornto Road to go from 5,000 vehicles per day to 10,000 vehicles per day in the next three to five years. The traffic on Oak Street would increase from 10,000 vehicles per day to 15,000 vehicles per day. Councilman Yost stated that one of the reasons to put Woodrow Wilson through would be to have an east/west corridor and to relieve the traffic from some other areas. With the traffic counts just mentioned there will be a doubling of vehicles on Oak Street and Gornto Road. Kevin Tolliver stated that it would be doubled on Gornto Road and 50% more on Oak Street. Larry Hanson, City Manager, stated that the traffic has been determined using a model but no one can predict future consumer patterns. Councilman Yost inquired as to whether the increase in traffic would present a problem with people coming in and out of the office at the corner of Gornto Road and Oak Street. Kevin Tolliver stated that the developer has convinced the Engineering Department of the low volume of traffic into and out of the facility and it would not add any problems to the situation. Mayor Fretti stated that when a zoning request is changed to O-P the most intense use can go on that piece of property. Dr. Futch might not stay there long due to the success of his business and then he might want to expand and then you may have 200 cars coming in and out of this corner because O-P allows the most intense use just like on the north side of this which has 600 cars coming in every day on the corner close to the signal which creates congestion. Dr. Futch could either expand or move out and someone else comes in because from now on this will be an O-P corner. It will never go back to residential. Mayor Fretti inquired as to whether Mr. Futch thought the houses there now would never go back as residential because they are being used as college rentals. Mr. Futch stated that was his opinion. It surprised him as to the number of rentals there are in that neighborhood now. Mayor Fretti stated that he has seen houses that have gone rental and stayed rental but then all of a sudden a newly married couple comes in and gives it a face life and they start having children and it turns back into family. The City is losing our family residential neighborhoods. College students are able to live in Single-Family Residential homes but Mayor Fretti did not buy that once they move in they cannot move back and you must go to O-P or Commercial Zoning. The neighbors around rental property should call in and report any disruption that happens and put pressure on the landowner. This owner lives in Cherry Creek and he is flipping this to make money. Mayor Fretti stated that he would rather preserve this neighborhood as a Single-Family Residential neighborhood because of all the traffic that has happened north of the street. Mr. Futch stated that they had not found anything that was affordable to them or suitable for their needs. Nicky Balanis would love to sell them Leo Weaver's property on Ashley Street across from Mathis Auditorium for \$750,000 but they would have to tear the building down and who knows what they would find doing that. Medical is increasing every day in our economy and we seem to have a great need for physicians here and any medical practice in Valdosta will grow. Mr. Futch stated that it was his understanding that from the current property owners that they are using it now for rental and that is their intent for the property until such time they can get a rezoning classification and basically offer it to someone like his son. Mayor Fretti inquired as to what Mr. Futch thought they would do with the property if the rezoning was not passed. Mr. Futch stated that he thought they would continue to rent it out. When they entered into a contract with the owners on the 2400 property it was in between renters and they asked the owners not to rent that house during the contract period until they had a decision on it. Mr. Futch stated that from what he understood from the property owners that if the request is turned down they will put the property back up for rent.

George Newbern, 5 Dogwood Circle, stated that he owns property at the next main intersection down on Gornto Road and grew up at 718 Georgia Avenue. His family owns approximately 2.5 acres at that next intersection. In addition, he has an interest in it because his mother and father-in-law live across Georgia Avenue on the other corner of Gornto Road and Georgia Avenue. Mr. Newbern stated that he was in favor of the request for several reasons. First is purely individual. Pierce Futch has gone off and made a doctor of himself and he is planning to come back to Valdosta to practice. It is great to see our smart kids do that and come back because it does not always happen. From an individual level he has picked this spot out with the help of his father and he

agrees that it will make a great location for a doctor's office. Second, it is purely realistic. He realized that Council has not voted yet to extend Woodrow Wilson but a lot of the right-of-way is already there and we know it is going to happen. Mr. Newbern stated that he did not know what the rest of the City believes but the people up and down Gornto Road believe that the days of Gornto Road being a quiet residential neighborhood are over. Third, it is purely personal. As soon as he saw the announcement in the newspaper about the plan to make a primary east/west corridor out of Gornto Road with a connection to Woodrow Wilson which would serve Moody Field and connect Berrien County and points northeast with the Mall, picture show, and restaurant areas, the first thing he thought of was that this area was going to go Commercial or Professional. At that point he spoke with his family about putting their property on the market which they did. Nothing has happened yet but at some point, as most of the people up and down Gornto Road know, it is just unrealistic and does not add up to plan a change of this sort for a neighborhood and expect it to stay a quiet local neighborhood. Mayor Fretti stated that Mr. Newbern was saying that Gornto Road residents have given up. Mr. Newbern stated that they have not given up and left but they have given up. As far as he was concerned, he had thought in the past about building on the old home place because there are 2.5 acres there but he would not do that in this day and time because of Gornto Road. Gornto Road will become too much of a major artery and he would not want to live there. Mayor Fretti stated that when the economy turns around Mr. Newbern would want to sell his property and get a piece of the O-P commercial pie too. Mr. Newbern stated that was correct and a big part of why he is in favor of it is personal interest. Mayor Fretti stated that some of us have to watch out for the people who do not have the where-with-all to move. This is their only investment and cannot buy, sell, and move. We need to hear from the people who live there and maybe they would like to see it sold to another young couple who can raise their family. It seems like we are forgetting about raising families in Valdosta and we are more interested in making a buck on the backs of neighbors. Mr. Newbern stated that was a beautiful view of the situation but if you speak to the people who live on their 2.5 acres they are college students and other tenants because all of their property is rented.

Peter Van Horn, 2411 North Oak Street, stated that he was speaking on behalf of himself and Bill Bolen, co-owner of the property, and his next door neighbor, Sue Wise who lives at 2413 North Oak Street. They live directly across the street from the property in question. His family has lived there since 1964 and he has lived there full time and permanently since 1999. Mr. Van Horn stated that they totally support the proposed rezoning from R-15 to O-P. According to the City Marshals Office, with the exception of them being able to force the current owners to mow the lawn when it reaches knee height, nothing can be done about the ongoing deterioration of the structure and the trash filled yards. If any of Council lived across from this situation you would be as embarrassed as they have been over the past six years when local and out of town guests remark about the sorry condition of the property. For a large number of neighborhood residents who signed in favor of rezoning, a similar sentiment was echoed. Many said that they felt their property values are currently being negatively impacted and for some time now the property in question has been a detriment to the character of the neighborhood. As it stands now, their quality of life consists of vehicles parked in yards, trash, overgrown lawns, and summer evenings and weekends frequently filled with large drunken parties both on the grounds and the roofs of the buildings. Historically it is a fact for those who have lived and worked in historical neighborhoods that these situations only worsen until the property is condemned or rescued and put to better use. This is that opportunity. The area already has a mixed use land pattern with two medical office buildings and a lawyer's office immediately across the street and to the north of this the conditions already exist to make the passage of the proposed amendment reasonable. The Planning Commission has also found it to be consistent with the Comprehensive Plan as well. Mr. Van Horn stated that they feel this is a judicious, proper, and timely use of your zoning power, and it is in the desire of a large part (57 neighborhood members) of the neighborhood's resident land owners. Mayor Fretti stated that when he saw the lawn chairs on the roof of the house he called the Police Department and inquired as to why the neighbors let Lee Smith get away with the parties and the trash. The Inspections Department was incorrect if they stated that all the City could take care of was long grass. We can certainly take care of a dilapidated house through Code Enforcement and trash is not allowed to be loose in a yard or backyard. Mr. Van Horn stated that they have called the City Marshals and they told him that was the only thing that the City Code had any ability to enforce. Mayor Fretti stated that Mr. Smith had said he was not going to clean it up and that he was going to rent to his son and his friends and when they graduate he was going to flip this and sell it. Mr. Van Horn stated that he would not mow it until he got about 15 requests. Other residents up and down the street have called and requested to have it cleaned up because it was overgrown. Almost everyone who lives on Gornto Road has come in contact with the corner lot and has watched this happen. For those who have been involved in historic land situations in Atlanta and Valdosta

this is not a reversible situation. Historically, it never happens. Mayor Fretti stated that this was new information to him that almost all of the neighbors have called Lee Smith and asked him to get his act together and he has refused to do that. Mr. Van Horn stated that they have called the City. Mayor Fretti stated that they should not allow land owners and homeowners to let that happen. They should call the owner to fix the problem. Councilman Carroll stated that they have tried to come up with Ordinances to address poor tenants and inquired as to whether there has been any discussion to file a lawsuit against the property owner for allowing that property to degrade in value. Mr. Van Horn stated that was a new thought but he does not come from the era where litigation was what you did to get people to do the responsible thing. If they want to portray this particular area as something sacred, which it is not, most of the people in that area come from that era which for the most part is gone. They are the last ones who still believe that and take care of their own property. This is a City-wide problem. On summer nights the calls that go out in this area are incredible. Until someone says maybe we lock down the very idea that you are going to have a drunken party with 40 vehicles in a residential area where it is rental property that seems not to be Mr. Van Horn's responsibility but the City of Valdosta's responsibility. Councilman Wright stated that they had addressed the issue at Mayor and Council Retreats as to how they could get people to clean up their lots. He actually went through the process where they tried to file a lawsuit against the property owner and it basically creates division in the neighborhood. This is why they hired the City Marshals to interact but when the Marshals tell you they cannot do anything then what is a citizen supposed to do. It seems like we are trying to put the burden on the citizen and that is not fair. Mr. Van Horn stated that in defense of the Marshals when they have been called and they say have the authority to do what they have been called for they have done it immediately. Councilman Yost stated that Mr. Van Horn had a nice yard and apologized for not doing a better job with the corner house next door which they are working very hard to correct.

David Troy, 3106 Falling Leaf Lane, stated that he was a retired school administrator and he encourages young people to return to our community. Mr. Troy has encouraged Dr. Futch to return to the community and he had a daughter that he did the same thing. Mr. Troy asked Council to extend open arms and allow him an opportunity to return to his home and bring his talents back to Valdosta.

Brian Almand, 310 Victory Drive, stated that he has lived there since in 1984 and completely remodeled the house. This is the third time that he has been before Council to address a zoning issue in his neighborhood. He was here in 1999 and addressed Council when Valdosta Family Medicine put their first building request in and he was not opposed to it. He did not speak in favor of it but just addressed the fact that it was a spot zoning. He came back in 2003 when they zoned the second request and basically said the same thing. The issues that he had that would have been a concern with an office coming into the neighborhood are some of the same concerns by other people. Mr. Almand stated that he wanted to speak in favor of this rezoning not just to be indifferent about it but because he has lived for 10 or 11 years with Valdosta Family Medicine directly across the street. They have been a great neighbor and they have definitely improved the appearance of properties in the area. They are a high traffic doctor's office but yet when he goes out on Oak Street every day he rarely has a problem getting out. The neighborhood has been in transition for a number of years and with Woodrow Wilson coming through that will accelerate that. He does not feel that his property has been depreciated but rather enhanced because of what has gone on. The highest and best use of that property is for a professional office. It will be on a high traffic corridor and what Mr. Futch said about the price he is paying for the property is more than any residential property in that neighborhood would bring. Mr. Almand stated that the structure that Mr. Futch is putting on the property will definitely be an improvement to what is on there now.

Julian Cloud, 1114 Cloverhill Road, stated that he owns three properties that are within approximately one block of this property and he wanted to speak in favor of the request. Mr. Cloud stated that he has been in the real estate business in Valdosta for 32 years. In those 32 years he has learned about market influence on values in Valdosta and Lowndes County. Mr. Futch's proposal is actually more of a solution to a problem rather than a problem. On Oak Street all the way to Canna Drive, the entire left side of Oak Street is Office-Professional. One of them was an older subdivision such as this where the houses that were originally in the subdivision have been converted to Office-Professional. The other one near Eager Road was designed and built that way by the developers and it is not just a medical office but there is a medical office compound and yet directly behind it and abutting it is Oak Center Trace Condominiums and Georgetown Subdivision which was built intentionally by the developers to be behind these medical facilities. The reason these were built there is because there is no better

buffer between Single-Family Residential and a high traffic street with high end office use. On Gornto Road, there is a little office complex and if you look at the sales comparables on Fieldcrest and adjoining property owners you will not find that the property values have not gone down in value but that it has helped to stabilize an older neighborhood. At the intersection of Country Club and North Valdosta Road you have medical facilities and banks and behind it a developer has sold out a \$200,000 to \$300,000 subdivision immediately abutting the Office-Professional. Whether it is an old subdivision or a brand new one, it is the greatest buffer you can have between high traffic, Commercial, and Single-Family Residential Zoning. On Oak Street Extension where you have dental offices, real estate offices, and now a proposed outpatient surgery center, again developers have gone in and purposely built nice new neighborhoods adjoining these Office-Professional areas. To address the issue that some people claim it will hurt their property value, just recently in 2007 a prominent family in Valdosta purchased a house abutting Valdosta Family Medicine and paid almost \$1,000,000. They were not too concerned about it hurting the property value. Mr. Cloud stated that Mayor Fretti spoke eloquently about wanting to preserve neighborhoods which is admirable but from 30 years of experience in the real estate industry, if you want to help preserve this neighborhood then you need to work proactively to get a good Office-Professional ring around it so the people inside the neighborhood will have a beautiful neighborhood to live in from now on. Councilman Carroll inquired as to what happened to the neighborhoods on Sustella Avenue off of Baytree Road on both sides where there was a well established neighborhood that has been gutted but is starting to redevelop. Mr. Cloud stated that he was not familiar with that particular neighborhood; however, in terms of new development which the City planners are all on board with it, if a new master subdivision plan for a big tract of land comes along then you apply certain amounts of it to Highway-Commercial, Office-Professional, and then Single-Family Residential. If Office-Professional is one of the best buffers for Single-Family Residential in new development then why would it not be the best buffer for an old neighborhood that is being run down? What you will see happen if you get enough of the good Office-Professional around the neighborhood and they pay good wages to the nurses, physician assistants, and bookkeepers, then you will see a lot of those people who will want to buy homes and live in the neighborhood right behind them. Councilman Yost inquired as to how close Mr. Cloud lives to this neighborhood. Mr. Cloud stated that he lived on Cloverhill Road across from the Mill Pond dam. Councilman Carroll stated that there is a resident further down on Gornto Road with rental property next door to him and it is a pig sty. He has approached Councilman Carroll about changing the zoning up and down Gornto to Office-Professional or Light Commercial. Councilman Carroll stated that there are numerous properties sited by Mr. Cloud that have significant space available. If there is more than adequate space for office uses, then they will open up the flood gate to rezone all these properties O-P when there is not a demand for it other than price. Mr. Cloud stated that the demand will be on a case-by-case basis and if Council approves this rezoning request it will set a precedent for that side of the road. If you think it is hard to get families to live on Gornto Road now wait until they finish Woodrow Wilson. You will see it even more difficult for landlords who are renting or realtors who are trying to sell for property owners to sell or rent a property on that road. No one wants to raise a family on a thoroughfare like that. If you have a house you cannot sell for a decent price you try to rent it and if you cannot rent to a couple for a good residential price then your only option is to rent to college students. That is why you get so many college students in areas like this.

A MOTION was made by Councilman Yost to deny the request to rezone 1.11 acres from Single-Family Residential (R-15) to Office-Professional (O-P) as requested by Ben Futch. Councilman Carroll seconded the motion. Councilman Yost stated that he appreciated the fact that Dr. Futch wanted to come back to Valdosta because we need more students and children to come back to this community. He commended Ben Futch for a great job in selling this. Someone in the Atlanta Capitol wanted to meet with Councilman Yost about this. They have had all kinds of telephone calls and people trying to speak with him and every member of Council about this. Mr. Futch met with pretty much every member of Council and sold them this idea of what needs to happen there. There are many problems with this. One is that this is his District and he represents every single renter and person who has lived in this District whether it is a month of 55 years. Councilman Yost stated that he takes this very seriously and the people took it seriously in the last election because they put him back in office. That was because of his stance on protecting his neighbors and neighborhoods but he has to balance that because he has the Mall area which is a lot of retail and tax dollars. He also has the University with 13,000 students and growing and a lot of them are living in his neighborhoods with some doing great and some not. He has a diverse District that he has to represent. Councilman Yost stated that he does want doctor's offices in his District but there is a proper place for them. They discussed other pieces of property that were expensive and not in the right area. The hospital has a brand new doctor's office over there which he has heard was expensive but that is a place that they could in. There

are pieces of property in this town that realtors cannot sell that are brand new that they could go in. Councilman Yost asked that they not offend his thoughts of keeping his neighborhoods intact by saying that they had to have this piece of property. He has heard an excuse about this piece of property being run down which may be true and he apologized for not keeping up those two homes owned by the same person. Whether this passes or fails the City Marshals will be there very soon. The excuse about Woodrow Wilson being extended has not been approved yet. Councilman Yost stated that he hoped it would be approved because it is much needed. He wished they had withdrawn this and let them get Woodrow Wilson through so they could see what the traffic counts would be and what it would do to the people in that neighborhood and in District 6; however, they wanted to go ahead with this. He spoke with the City Engineer about the amount of traffic that will come through there and you heard from the residents who live right there on the south side of Gornto Road and the west side of Oak Street. Councilman Yost stated that those are the ones that concern him because that is his District. You heard from them that it is hard to get out on Pinecrest Drive and it is hard to get out on Oak Street at times so what is this going to do if we bring in another office building with more people who want to go there. The traffic is going to be atrocious. Mr. Cloud talked about it was already a problem so why would we want to put an office there when we know there is going to be trouble. There better be some logic behind this because Council will have people complaining about the traffic and we did it. If this property is rezoned they cannot put the parking in the back yard because there are people who live back there. It is a neighborhood and they do not want the cars in their back yard. They want to put the parking in the front yard but it is not currently allowed and would need a variance. Staff's recommendation was to deny the request because this is a viable neighborhood and it should stay that way. Mr. Cloud spoke very well about what would happen and what could happen to the Eppes' house because it should be or could be O-P. So now you are starting to get into the heart of the neighborhood. Several of the citizens who spoke do not live in District 6. They may have a rental house there but do not live there. Councilman Yost inquired as to whether they could go and put the doctor's office next to the property owner's home in Cherry Creek. That could not work but it could go in his District and in his established neighborhood because they do not live in Cherry Creek and do not have that much money to live out there. If the request is approved where does the new rezoning classification stop? You have proved that it cannot stop and the previous Council proved that because on the other side of Oak Street they let them build a doctor's office that should have never been allowed there and look where it went. It went right up Oak Street to the lawyer's house and he did not have a choice and now he had to put a business in his house. This is so damaging because it is Gornto Road and Oak Street. If this rezoning is allowed will it stop at the Fire Station on Jerry Jones and Gornto Road or will it stop at Dr. Woods' house near the University at Georgia Avenue and Oak Street? Once this property is rezoned, such a precedent will be set that it cannot be stopped. This will be a terrible precedent. The same thing happened on Canterbury Drive with homes on it because they allowed Macadoo's to go in there. Councilman Yost stated that he was for Macadoo's going in there but not for the three or four homes it took out on Canterbury Drive. He asked Council not to allow that because it would be setting a precedent on that street and they can rezone every piece of property there. Every piece has not been rezoned but they now have a strip office building there and he cannot deny anyone else from doing that because the precedent was set. Councilman Yost stated that he hoped Council would vote to deny this and that Dr. Futch will want to stay in Valdosta. This has nothing to do with him coming back home and he hoped that Dr. Futch will still come back home and find a great place to have his business. Councilman Yost stated that he knew some of the Council members would rebut some of what he said and he hoped they would because maybe they could sell him on why they should do this. This is his District and his neighbors and he lives there. He urged them to travel down Pinecrest Drive to see what a small road. The professional Staff said not to do this. Everyone Council member voted for the Comprehensive Plan which basically states that this area is not in transition and does not plan to be in transition despite what some of these people have said. If you want to change that then bring it up. It was mentioned at the Work Session that this should not have even been brought before Council per our own ordinances, Comprehensive Plan, and LDR. If Council can argue that then go ahead. Councilman Yost asked that Council respect the wishes of the individuals who actually live on the south side of Gornto Road and the west side of Oak Street because those are the people impacted the most. Councilman Yost thanked Council for the opportunity to speak and apologized if he got emotional but when it comes to his neighborhood it is important.

Councilman Wright stated that he rejected the notion that because Mr. Futch has met with them to discuss this and that they had already made up their minds. He could not speak for others but he did not make up his mind because of that meeting and the implication that they did is an insult to the Council members. Councilman Wright inquired as to whether the property would offer more value if zoned Office-Professional or Residential. They

should be considering land use because this is what they have learned from Council. Traffic should be left to the Engineering Department and Council should go by their recommendation. They say that Woodrow Wilson is not complete but they have purchased two of the three properties necessary to extend it to Gornto Road. This Council voted on that and it will impact the traffic. When Code Enforcement is discussed, that is on Council and not the applicant. Councilman Wright stated that he was looking at these facts and not his meeting with Mr. Futch. They meet with people all the time. Developers have lunch with them and feed them and they are supposed to make a decision based on the law and facts and not this other stuff. Councilman Payton stated that they do meet with people to hear their position and he was happy to hear Mr. Futch's position on this issue. He will always make the decision based on the facts that are presented. It is always a dilemma when the Planning Commission is in support and Staff is not in support of a particular issue. He will always make a decision based on the facts as he sees them as presented by Staff and the Planning Commission. Councilman Payton stated that he took some notice of what Councilman Yost indicated about their meeting with Mr. Futch being a way to influence their decision. Councilman Vickers stated that Mr. Futch called him and he spoke with him less than five minutes on the telephone and he told him where he could leave the package. Mr. Futch left it and he read it and he has had no more conversations with him. Councilman Yost stated that he meant and made no reference to anybody doing wrong. There was a comment made on Tuesday at the Work Session and he has not met with Mr. Futch. He did not direct that at Councilman Vickers. He made a statement that meetings were held with most of the Council members but it was not made to denounce him. He was letting people know the lengths that Mr. Futch has gone to make this happen and Mr. Futch was commended for that. Mayor Fretti stated that this is too early for the rezoning request and encouraged Council to vote against it. When people speak about living in their home for 30 years and that is where they want to continue to live before they go to another place that is very important to them because that is all they have in this life sometimes. Mayor Fretti encouraged a vote against the rezoning.

The motion to deny the request failed 3-4 with Councilman Vickers, Councilman Eunice, Councilwoman White, and Councilman Wright voting in opposition.

Mayor Fretti stated that Parliamentary Procedure states that someone has to make a motion to allow this to be passed.

A MOTION was made by Councilman Vickers to approve the request to rezone 1.11 acres from Single-Family Residential (R-15) to Office-Professional (O-P) as requested by Ben Futch with the condition that Pinecrest Drive not be used for ingress/egress. Councilman Wright seconded the motion. Mayor Fretti inquired as to what if Pinecrest Drive has to be used and Oak Street is not approved and whether there was a final Engineering decision on Oak Street. Councilman Vickers stated that the Engineers thought that they could use Oak Street and Gornto Road and he thought this would work. Councilman Wright stated that he thought the Engineer said they could use this as an exit and not as an entrance or something to that effect. Mayor Fretti stated that he wanted to make sure that Council understands that if that isn't and there is some clause that they find that they read it wrong it will have to come back before Council. Larry Hanson, City Manager, stated that there is not even a formal site plan and the plan changed today. Councilman Vickers stated that they get into trouble when they start doing the Engineering work. This should be about land use and let the suggestions fall in the Department where it goes because Council does not have any experience at it. Mayor Fretti stated that is why he brought up the condition because they do not know if that will actually be allowed by the Engineer. Councilman Vickers inquired as to what the Mayor was suggesting to address that issue. Mayor Fretti stated that he felt it was incumbent upon him to inform Council that if that condition is not approved by Engineering it might have to come back before Council. George Talley, City Attorney, stated that he wanted to make a clarification for the record and inquired as to whether Councilman Vickers meant that Pinecrest Drive not be used as access to the property. Councilman Vickers stated that he meant for Pinecrest Drive not to be used for ingress/egress just as they did Jackson Drive years ago. George Talley stated that if a condition is put on it and it passes and Engineering says it cannot be done it would have to come back before Council or automatically fail. Councilman Vickers asked the City Attorney if he could provide the language to use that gives the Engineer some discretion that if possible Pinecrest Drive would not be used. George Talley stated that the condition should be that Pinecrest Drive would not be used as access for ingress/egress to the lot. The applicant may or may not agree with that. Councilwoman White inquired as to whether they could ask the applicant. Councilman Vickers stated that the applicant said he would not use Pinecrest Drive and the neighbors appreciated that. Councilman Yost stated that the Engineer cannot overrule Council and what they decide. Mayor

Fretti stated that the Uniform Traffic Code may state that there cannot be a curb cut so far from an already existing road. Larry Hanson, City Manager, stated that the City Engineer could look at traffic and projections and might say that it could handle a right in and right out but they will need to examine the plans once they are formally submitted as part of the final site plan. George Talley, City Attorney, stated that there is a recommended distance. Councilman Eunice stated that his support of the rezoning request hinges on whether or not Pincrest Drive is used. Councilman Yost stated that if Council goes through with this then they would be changing the Plan. If Council feels that something is not working because apparently they do then they need to change it so that no other developer comes before Council and is put in this situation because Council is voting totally against what the Plan says. If Council feels that way then they need to go back to the Plan and change it to make it work for them because right now this is not working and Council is going against their own Plan. Councilman Yost stated that Council obviously wants this rezoning to go through but asked that they please listen to what the people who do live over there have said. The neighbors should be taken care of if Council is actually going to rezone this property because of what they will have to go through on a daily. Councilman Yost asked that Council vote no on this motion.

Councilman Eunice stated that he wanted to make sure that the motion and the second still holds the condition. Mayor Fretti stated that it does hold the condition and he thought it was incumbent upon him to inform Council that they do not have a final ruling on this condition. The applicant has told us that, the same applicant that has a petition with some names that were not on there so we hope it is true and accurate, and we have our new Assistant City Engineer that said he thought that would work. Mayor Fretti stated that if it does not work then Council is now Engineering because they want to make a condition that it not go and hopefully the curb cut can happen on Oak Street. None of us know whether than can happen yet and we will have to get a ruling on that. If we get a ruling that it cannot happen then this will have to come back to Council. Council could table this or postpone this and get a ruling from the Engineer on it. Councilman Vickers stated that he did not think they need to do that and those who opposed it should not go and brow beat the Engineering Department into saying what you want them to say either. He has some concerns about that. Mayor Fretti stated that he did not understand what Councilman Vickers was saying. Councilman Vickers stated that he did not think that those members of Council who oppose approving this should go and brow beat the Engineering Department to come up with some rules against it. It should fall strictly under whether it meets or does not meet the rules and members of Mayor and Council should not be brow beating the Engineering Department for them to come up with what you want them to have. Mayor Fretti stated that was a pretty serious accusation. Councilman Vickers stated that he hoped and encouraged them not to do it but he knew they would not.

Councilman Carroll stated that someone needs to say stop because this is getting a little heated and he regretted that it has risen to that level. It does pay tribute to the passion that each one on the Council has for the community but assuming that the majority votes are in favor of this he had another condition. Mayor Fretti asked if he was trying to change the motion. Councilman Carroll stated that he was not but he would ask if he could amend the motion to include site-specific. If Council is going to do this he did not want what is across the street with four stories built there. With this particular site elevation, and he commended the applicant on doing this, it is relatively compatible with Single-Family development. Mayor Fretti stated that Councilman Carroll was offering a motion for an amendment that it be site-specific. Councilman Carroll stated that was correct.

AN AMENDED MOTION was made by Councilman Carroll to amend the motion made by Councilman Vickers for the purpose of requiring that the rezoning request be site-specific. Councilman Vickers stated that he could agree with that because that was one of his reasons for supporting the request. Councilman Eunice seconded the motion. The amended motion was approved 5-2 with Councilman Yost and Councilman Payton voting in opposition.

Mayor Fretti stated that there is an amendment to the motion that the rezoning be approved with a condition that ingress/egress not be allowed on Pincrest Drive and there is a buffering that was discussed. Secondly, that it be site-specific to what has been presented to the Mayor and Council tonight. It cannot change but 10% through the Zoning Administrator from what is presented to Mayor and Council tonight by an approved person. Councilman Vickers stated that he thought what was to be site-specific was what was presented to the Engineering Department. Mayor Fretti stated that it was what was presented tonight. Councilman Wright inquired as to how they could

approve this and this is not the site plan. Mayor Fretti stated he did not know but Council just voted for it. Councilman Wright stated that he just voted for that site-specific (the rendering presented by Ben Futch). Mayor Fretti inquired as to whether he voted for a picture. Councilman Wright stated that was what Councilman Carroll was talking about. He was not talking about an ingress/egress on Pinecrest Drive. You are doing what Councilman Vickers just talked about when you say that and try to influence because that is not what they just talked about. Councilman Carroll stated that the intent of his amendment is that the elevation that is presented shows a more residential-looking façade which would be more compatible with the residential structures abutting it. The design of the buildings should be architecturally compatible and consistent with the rendering presented and relative to height and features, be architecturally compatible with residential style development. That was the intent of his motion. Councilman Eunice inquired as to whether he was also referring to the setbacks and buffering that was presented on the sheet. Mayor Fretti stated that when you talk about site-specific you are talking about size, layout of the parking lot, grading, how it looks, and buffering and inquired as to whether Councilman Carroll meant that or not. George Talley, City Attorney, stated that he thought Councilman Carroll meant that the structure be built as portrayed in the rendering which appears to be a residential-like structure. Councilman Carroll stated that was correct. Councilman Wright stated that was what he voted for. Councilman Carroll stated that if it was going to be approved then they should try and make it compatible.

Mayor Fretti stated that they were now back to the main motion and called for the vote. The main motion was adopted 4-3 with Councilman Yost, Councilman Payton, and Councilman Carroll voting in opposition to enact Ordinance No. 2010-4, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2010-5, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 210-2 Inner Perimeter Road Overlay District, Chapter 210-3 Urban Commercial Corridor Overlay District, and Chapter 210-4 Baytree University Corridor Overlay District as requested by the City of Valdosta (File No. VA-2010-04). The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the proposed Text Amendments to each of the Overlay Districts make the regulations more understandable, provide additional clarity, and in many cases make the standards more flexible while still protecting the intent of the regulations. Each of the proposed Text Amendments strengthens the implementation of the Land Development Regulations and improves the overall service provided to the citizens. Staff found the request consistent with the goals and policies of Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their January 25, 2010, regular meeting and recommended approval of the Text Amendments with a vote of 8-0 based on the request’s consistency with the Comprehensive Plan.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Eunice, seconded by Councilman Payton, was adopted (6-0) to enact Ordinance No. 2010-5, an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 210-2 Inner Perimeter Road Overlay District, Chapter 210-3 Urban Commercial Corridor Overlay District, and Chapter 210-4 Baytree University Corridor Overlay District as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI. Councilwoman Deidra White was absent for the vote.

ORDINANCE NO. 2010-6, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS ORDINANCE

Consideration of an Ordinance to rezone multiple properties to the new Multi-Family Residential Zoning District (R-M) as requested by City of Valdosta (File No. VA-2010-05). The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the purpose of this request is to rezone properties that were zoned for Multi-Family Residential uses under the old regulations to the new zoning classification for Multi-Family (R-M). This will bring the properties into compliance in a manner consistent with previous mass rezonings. As with previous cases, each of the properties within this request is currently developed with Multi-Family Residential uses. The primary reason for establishing a separate Multi-Family Residential zoning district was to protect Single-Family uses from inappropriate encroachment. Now that Multi-Family uses will be permitted in a different category from those permitting Single-Family uses, there will be greater control over the establishment of such uses and thus less potential for land use conflicts. Rezoning the listed properties to R-M will bring what are technically non-conforming uses, due to the adoption of the LDR, into conforming status. There is no other change occurring to the properties. 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 January 25, 2010 regular meeting and recommended approval of the rezoning request with a vote of 8-0 based on the request's consistency with the Comprehensive Plan.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Eunice, was adopted (5-0) to follow the recommendation of Staff and enact Ordinance No. 2010-6, an Ordinance to rezone multiple properties to the new Multi-Family Residential Zoning District (R-M) as requested by City of Valdosta, the complete text of which will be found in Ordinance Book XI. Councilwoman White and Councilman Yost were absent for the vote.

ORDINANCE NO. 2010-7, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION OF A CHURCH-RELATED USE, SPECIFICALLY A STORAGE BUILDING IN A TWO-FAMILY RESIDENTIAL ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow an expansion of a church-related use, specifically a storage building for Northside Baptist Church, in a Two-Family Residential (DR-10) Zoning District as requested by Carl Law (File No. CU-2010-01). The property is located at 2103 Fleming Street. The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting a Conditional Use Permit (CUP) to allow an expansion of a church-related use, specifically a storage building for Northside Baptist Church, in a Two-Family Residential (DR-10) zoning district. The parcel is located on the northeast corner of Fleming Street's intersection with East Park Avenue. The proposed location for the structure is addressed as 2103 Fleming Street although the entire parcel consists of 3.07 acres. A former house now utilized for church-related functions and a parking lot occupy the parcel. Two Special Exceptions, in 1999 and 2001, were granted by Council to allow the church to utilize the property and the church is asking for an additional CUP for the remainder of the property to accommodate a storage building. Based on the fact that the proposed use meets the Conditional Use Permit Criteria, is an expansion of an existing use, and is consistent with the Comprehensive Plan, Staff recommended approval of a Conditional Use Permit for a church accessory structure. The Planning Commission reviewed this request at their January 25, 2010 regular meeting and recommended approval of the Conditional Use Permit with a vote of 8-0 based on the request's consistency with the Comprehensive Plan.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Wright, was adopted (7-0) to enact Ordinance No. 2010-7, an Ordinance for a Conditional Use Permit to allow an expansion of a church-related use, specifically a storage building for Northside Baptist Church, in a Two-Family Residential (DR-10) Zoning District as requested by Carl Law, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2010-8, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ACCOMMODATE A DAYCARE CENTER IN A HIGHWAY-COMMERCIAL (C-H) ZONING DISTRICT

02/11/10 CONTINUED

Consideration of an Ordinance for a Conditional Use Permit to accommodate a daycare center in a Highway-Commercial (C-H) Zoning District as requested by Park East Development (File No. CU-2010-02). The property is located at 1794 East Park Avenue. The Planning Commission reviewed this request at their January regular meeting and recommended approval (8-0 vote).

Tracy Tolley, Planner I, stated that the applicant is requesting a Conditional Use Permit to allow a daycare center for approximately 35 children in a Highway-Commercial (C-H) zoning district. The parcel is located at 1794 East Park Avenue, just northeast of the intersection of Jaycee Shack Road and East Park Avenue. The property consists of 1.66 acres and contains an unoccupied structure. The area is a blend of uses and undeveloped parcels served by a collector road. The parcel is within a Neighborhood Activity Center which promotes a variety and a blend of uses to support the residences in the area. Based on the fact that the proposed use meets the Conditional Use Permit Criteria and is consistent with the Comprehensive Plan, Staff recommended approval of a Conditional Use Permit for a daycare center. The Planning Commission reviewed this request at their January 25, 2010 regular meeting and recommended approval of the Conditional Use Permit for a daycare with a vote of 8-0 based on the request's consistency with the Comprehensive Plan.

Ed Lund, 4815 Mt. Zion Road, spoke in favor of the request. Mr. Lund stated that he represented one of the principals of the property and asked Council's consideration in granting the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Eunice, seconded by Councilman Wright, was adopted (7-0) to follow the recommendation of Staff and the Planning Commission and enact Ordinance No. 2010-8, an Ordinance for a Conditional Use Permit to accommodate a daycare center in a Highway-Commercial (C-H) Zoning District as requested by Park East Development, the complete text of which will be found in Ordinance Book XI.

RESOLUTION NO. 2010-2, A RESOLUTION FOR 2009 UPDATES TO THE GREATER LOWNDES 2030 COMPREHENSIVE PLAN

Consideration of a Resolution for 2009 updates to the Greater Lowndes 2030 Comprehensive Plan.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that adoption of this Resolution will encompass changes made to the Comprehensive Plan. These are changes to the Issues and Opportunities of Our Community, Goals and Policies, and Short-Term Work Program as well as the Future Development Map. The Future Development Map is very important in making decisions for the future of the community. It was mentioned at the Work Session that the Policy Statement that is in the LDR may need some revision and Staff would be looking for some direction from Council tonight. One suggestion was to revise the Policy Statement and the LDR that says an application may be submitted for rezoning but if it is not consistent with the Comprehensive Plan Future Development Map, they must submit an additional application that will detail why they think their request merits changing the Future Development Map. There would also be a minor additional fee associated with that. Mayor Fretti stated that they would be compressing that. Anne-Marie Wolff stated that as opposed to having them wait six months they would occur concurrently but have a separate application and fee so that they realize the severity of what they are requesting as well as to cover the cost of updating the Comprehensive Plan in the future.

Mayor Fretti stated that the first thing they would have to do is to change the parcel that four members on Council just passed. Councilman Carroll stated that they would not necessarily have to do that. Just because Council voted to change the zoning on it does not necessarily mean that they have to define it as different as a non-neighborhood use. Mayor Fretti stated that Council needs to take how serious they are going to be on this Map, Comprehensive Plan, and the LDR. Anne-Marie Wolff, Planning and Zoning Administrator, is trying to put some rules in place and from now on they have to ask for a change of the Map before they come for a rezoning or do it in a compressed fashion and give a good reason as to why the Map should be changed. Some Council members may not want to go through all that because it would be easier just to make a political vote instead of a planned vote.

Mayor Fretti stated that he preferred that Anne-Marie Wolff implement those changes so that they have all of the rationale and the process takes into account that the Map holds strength and it should be changed first or in the compressed method. Councilman Carroll stated that he liked the compressed method. Councilman Yost stated that he would vote no on this because he brought up at the Work Session what they were planning to do with pieces of property across the street from his home and designate them as Transitional and he did not want that to happen. The way Council voted tonight, when it was not even designated, was spot zoning so why would it matter if they change it. If Council is going to do it at a whim and let people have what they want then he did not want to give them the right to do it across the street from his house by making it Transitional. Mayor Fretti inquired as to whether Councilman Yost wanted to make it stronger across the street before it comes back to Council. Councilman Yost stated that he was scared to make it anything other than Residential. We have a professional who tells them what they should or should not do because she knows the book and updated it but he was worried about the direction Council was going in. George Talley, City Attorney, stated that having to change this might be a prior restraint which is like telling someone they cannot rezone their property until they do something. Mayor Fretti stated that this would be a co-request. Anne-Marie Wolff stated that she could not speak to the legality of it but they entrusted JJ&G Consultants who put it in the LDR and it was reviewed at that time to be appropriate. Staff could go back and verify the legality and if it is an issue now it should be stricken from the LDR if that is the belief of the City Attorney. George Talley stated that he had not researched this but it could be an issue. Councilman Wright stated that he had about three or four plans that they have not followed and would like to present them and go lock step with every plan they put in place and not just pick and choose what will be politically correct for Council. If they want to be on Council and debate this in an open forum then that is what they need to do. If not, they need to act like professionals and do it in a way that they are going to work toward the best interest of the City. Councilman Vickers stated that he had a problem if the Zoning Regulations are etched in stone. He has seen Zoning Maps and Regulations changed 100 times since he has been on Council. There have been a lot of times that some votes in his District have not gone the way he thought they should. Zoning needs to be looked at on case-by-case. The zoning that was done tonight was on a corner and if it had been in the middle of a block he would not have voted for it. Though some did not get their way tonight they need to move on. Councilwoman White stated that she would support it and wished it had been in place for this particular case tonight. She can say no and can draw a line but on this case tonight she voted based on what she had in front of her and it does not mean she will not be able to say no or yes in the future. Councilman Carroll stated that regarding the issue of having an action that has to take place before someone can apply for a rezoning, they also had Frank Jenkins, a Land Attorney, who reviewed the documents. He also supports the fact that it needs to be tweaked a little and if the other side was very much against what they did tonight they probably have a potential lawsuit they could file on not following Code. He did not think they need to make them wait six months so he would like to see that change. They are not always going to agree 100% on every single case they hear but they need to sometimes respectfully disagree and be respectful about it. Mayor Fretti asked that Council be clear on the motions and check with Staff before they start inventing motions. Anne-Marie Wolff stated that the change across the street from Councilman Yost's home to Transitional Neighborhood would actually be better than what the Map currently says because it now depicts that area as a Neighborhood-Activity Center. Having a solid Comprehensive Plan would certainly help Council with some issues that they run into on a regular basis. Mayor Fretti inquired as to whether the motion should include the caveat that the LDR be reviewed if the Resolution is passed. George Talley, City Attorney, stated that would be good to include it in the motion.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION was made by Councilman Carroll to adopt the Resolution for 2009 updates to the Greater Lowndes 2030 Comprehensive Plan with the condition that following Staff's comments in regards to the compression of the time frame or any other changes to that component of the LDR, it should be researched by Staff and brought back before Council for consideration and or adoption in the near future. Councilman Payton seconded the motion. Councilman Carroll stated that this was the last Council Meeting for Anne-Marie Wolff, Planning and Zoning Administrator, and presented her with a gold City of Valdosta coin. The motion was adopted (6-0) to enact Resolution No. 2010-2, the complete text of which can be found in Resolution Book V. Councilman Yost was absent for the vote.

AN ORDINANCE TO ESTABLISH A PUBLIC ART PROGRAM (FIRST READING)

Consideration of an Ordinance to establish a Public Art Program. (First Reading)

Mayor Fretti stated that this was the First Reading of the Public Art Program Ordinance and the purpose of this Ordinance is to promote and further the appreciation of works of art, establish a Public Arts Advisory Committee and make appointments to that Committee, and to provide for funding for the purchase of works of art. Larry Hanson stated that there was a change to Item (3) and it now states that five members shall reside, own property, or work within the corporate limits of the City of Valdosta and the remaining four members shall be from the community at large.

AN ORDINANCE TO AMEND THE SANITATION ORDINANCE REGARDING RECYCLING FOR MULTI-FAMILY PROPERTIES (FIRST READING)

Consideration of an Amendment to the Sanitation Ordinance Regarding Recycling for Multi-Family Properties. (First Reading)

Mayor Fretti stated this Ordinance amends Part 4, Public Works, Chapter 2 – Refuse Collection and Disposal, Section 4-2004 of the Code of Ordinances for the City of Valdosta and for other purposes. Larry Hanson, City Manager, stated that there were two changes made based on discussion at the Work Session. Under Section (d) Recyclables, Item (2), they added the language that it could be an 18 gallon or larger recyclable container or a container such as a recycle bag or similar product per unit and that if it is a large recycling container such as a dumpster, it must have a lid on it to protect the recyclables from inclement weather. An effective date of June 1, 2010 was also added because this is a change that providers as well as properties will need to plan for.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for seven In-Car Camera Systems for the Police Department (Bid No. 29-01-10).

Mark Barber, Deputy City Manager of Administration, stated that the Police Department is requesting to purchase seven new in-car camera systems which include the applicable hardware and software. The information is stored on a computer hard drive for later download and retrieval on a computer server. Funds are budgeted this fiscal year for a purchase such as this. Similar cameras have been purchased utilizing the sole source method in 2005 and 2008 from Motorola. The requested system will ensure component compatibility and interoperability. All current in-car cameras operated by the Department have been provided by Motorola to date and can be repaired and serviced by a local business. The price offered is \$5,833.00 per unit or a total of \$40,831.00. This is an increase of only \$271.00 over a 5-year period. Mark Barber recommended that that Council approve the purchase from Motorola in the amount of \$40,831.00 and allow the Police Department to proceed with the purchase.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the purchase of seven In-Car Camera Systems from Motorola in the amount of \$40,831.00 and allow the Police Department to proceed with the purchase.

Consideration of a contract for the Valdosta Water Quality Improvement Strategy Study.

Henry Hicks, Utilities Director, stated that the City of Valdosta Utility Department is attempting to improve water quality within the water distribution system. As a system grows and as development patterns change, it is important to study the system to ensure that issues such as maintenance of adequate chlorine residuals throughout the water distribution system as required by the Georgia Department of Natural Resources Environmental Protection Division (EPD) as well as periodic coliform problems are addressed. A water model can improve efficiency, perhaps resulting in cost savings by reducing flushing and more targeted use of chemical treatments. Current and ever increasing regulations from EPD on all systems increase the need for the study and the improved measures that will result. The original water model for the water distribution system has not been calibrated nor significantly updated for several years. In 2007, a minor update of the model occurred in order to evaluate location

of a proposed new elevated storage tank as well as assist the Utility Department in identifying flushing location and one critical looping location within the distribution system. The 2007 update was not intended to provide the necessary tools for accurate short or long term capital planning, water system capacity analysis, the development of a uni-directional flushing program, critical looping of the system nor identification of closed valves within the system. Original estimates for this scope of work ranged between \$300,000 and \$500,000. The Utility Department requested RFP's from qualified Engineering firms in October, 2009 to perform a complete update and calibration of the existing model to address the above issues and future plans. RFP's from eight firms were received and submitted to the Selection Committee which consisted of Mayor John Fretti, John Whitehead III, Deputy City Manager of Operations, Von Shipman, City Engineer, Henry Hicks, Utilities Director, and Jason Scarpate, Assistant Director of Utilities for their review and ranking. The Selection Committee met on December 1, 2009, to develop a short list of the three highest ranked firms for final presentations. Following the presentations and final rankings, Halcrow, Inc. was selected as the most qualified and responsible firm with the lowest price submitted in the amount of \$112,000 for the scope of work. The proposed contract for this work is currently under review by the City Attorney. Henry Hicks recommended that Council approve the request and award the contract upon final approval by City Attorney to Halcrow, Inc. in the amount \$112,000 for the proposed scope of work.

A MOTION by Councilman Eunice, seconded by Councilman Wright, was unanimously adopted (7-0) to follow the recommendation of the Utilities Director and award the contract upon final approval by City Attorney to Halcrow, Inc. in the amount \$112,000 for the proposed scope of work for the Valdosta Water Quality Improvement Strategy Study.

Consideration of a Change Order to add Springhill Street for the Utility Extension Phase III (77A).

Kevin Tolliver, Assistant City Engineer, stated that Phase III (77A) was approved in 2008 in the amount of \$420,190.25 plus a 10% contingency. Work is scheduled to begin soon following the recently completed acquisition of the required easements and other pre-construction issues that occur in projects that in areas that are primarily developed. In December, 2009 a decision was made to add Springhill Street off River Street to this island project. This is primarily due to the fact there are a number of properties that are having septic tank issues. There are also two proposed duplex units going to construction within the next couple of weeks. Because no easements are required the contractor is ready to start this project immediately. The Change Order in the amount of \$57,983 reflects the additional quantities with the original contract unit prices. Springhill Street is one of the priority islands to be served, not due to the petition process, but due to the need based on health department recommendations. Kevin Tolliver recommended that Council approve the Change Order in the amount of \$57,983 to add Springhill Street for the Utility Extension Phase III (77A).

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the Change Order in the amount of \$57,983 to add Springhill Street for the Utility Extension Phase III (77A).

Consideration of a Change Order for the Martin Luther King, Jr. Drive Phase II Water/Sewer Improvements.

Kevin Tolliver, Assistant City Engineer, stated that Phase II of the Martin Luther King, Jr. (MLK) Drive Water/Sewer Improvement Project included the section between Patterson Street and Oak Street. The original contract amount was \$213,067.80 including a 10% contingency. The final construction cost for the project totaled \$269,763.00. Several items had to be added to the project during construction due to unforeseen circumstances. The major cost overrun was related to the amount of pavement that had to be removed and replaced due to the location and depth of the proposed water and sewer improvements. Kevin Tolliver recommended that Council approve a Change Order in the amount of \$56,695.20 to cover the additional construction cost.

A MOTION by Councilwoman White, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the Change Order in the amount of \$56,695.20 to cover the additional construction cost for the Martin Luther King, Jr. Drive Phase II Water/Sewer Improvements.

Consideration of an Easement Agreement between the City of Valdosta and Veolia for access to the proposed Evergreen Landfill.

Larry Hanson, City Manager, stated that several years ago the Deep South Solid Waste Management Authority sold to Veolia an approved and permitted landfill site, now known as the Evergreen Landfill which is preparing to open soon. The City has a previously closed landfill that can provide better access to all customers who will use the new Evergreen Landfill. The City is one of the largest customers and this access will be better for trucks as well. The Deep South Solid Waste Management Authority, Veolia, and the City have been discussing a partnership in which the City would deed the old closed unlined landfill to the Authority who would later deed it to Veolia following completion of several requirements. This would include the relocation of the current footprint of the new Evergreen Landfill and adding capacity that will serve the members of the Deep South Solid Waste Management Authority, including Valdosta and Lowndes County, for approximately 50 years of disposal. In addition, Veolia will agree to pay the Authority a royalty of \$1.25 for each ton of garbage for the new capacity, which could result in \$15 to \$20 million in revenue over the additional 15 years life expectancy of the landfill. The old City landfill is the most direct route to the proposed new site, thus the request for an Easement Agreement to use the City road until such time as the entire transaction is complete. Larry Hanson recommended that Council approve the Easement Agreement between the City of Valdosta and Veolia for access to the proposed Evergreen Landfill.

A MOTION by Councilman Payton, seconded by Councilman Eunice, was unanimously adopted (7-0) to approve the Easement Agreement between the City of Valdosta and Veolia for access to the proposed Evergreen Landfill.

Consideration of a Letter of Understanding for the reconfiguration/expansion of the Veolia Evergreen Landfill.

George Talley, City Attorney, stated that the Letter of Understanding will move toward conveying the City's Landfill to the Deep South Solid Waste Management Authority and they will in turn convey it to Veolia. The City will end up with a new Landfill which will save the City a tremendous amount of liability in the long run if this is approved. The City will also continue to receive a cut rate under the Agreements.

Larry Hanson, City Manager, stated that when the City closed the landfill approximately nine years ago we had the legal obligation to monitor it and take care of any environmental issues for 30 years. We had to book the cost of doing that which is post closure costs. This will relieve the City of that if the deal goes through in its entirety. All of the garbage in the Landfill will be removed and placed into a Subtitle D lined landfill as opposed to the closed landfill. There are approximately 22 methane wells and groundwater monitoring wells that the City has to keep active, test once a month, and send reports to the Environmental Protection Division (EPD). It will cost Veolia over \$6 million to take the garbage out of our landfill and put it in a new landfill. The current landfill has approximately 2,250,000 cubic yards of trash in it. This will give Veolia a larger footprint for the future because the landfill will go from 15,000,000 cubic yards to 22 million which will provide them with 45 million cubic yards of space. The City is one of the largest users of the landfill and it will ensure that there is 50 years of space for solid waste. The Deep South Solid Waste Management Authority will have to play a role in this and they have already met and approved this Agreement. The Deep South Solid Waste Management Authority will serve as a conduit because the City will be deeding the old closed landfill to the Authority and they will then later convey that to Veolia once everything is done and complete. The EPD has already given approval and this will be the first Landfill Reclamation Project in Georgia. A Letter of Understanding (LOU) has been provided to set out the intent and understanding of Veolia ES Evergreen Landfill, the City of Valdosta, and the Deep South Solid Waste Management Authority regarding the reconfiguration/expansion of the Veolia Evergreen Landfill and the proposed inclusion of the City's Wetherington Lane Landfill site. It sets out the principal points of the parties' intent, understanding, and agreements with respect to terms and conditions between them relating to the proposed project, related property conveyances, the local and state approval and permitting process, conditions precedent, and other details necessary to carry out the project.

Mayor John Fretti left the Council Meeting at 9:25 p.m. and turned the Meeting over Mayor Pro Tem John Eunice.

A **MOTION** by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to approve a Letter of Understanding for the reconfiguration/expansion of the Veolia Evergreen Landfill.

LOCAL FUNDING AND REQUESTS

Consideration of a request to provide funding for the 2010 Census Complete Count activities from the Mayor and Council Contingency Fund.

Larry Hanson, City Manager, stated that the U. S. 2010 Census is on the horizon and the U. S. Census wants to ensure that everyone is counted. They are developing partnerships with state, local, and tribal governments, community-based organizations, faith-based groups, schools, businesses, the media, and others. It is through these collaborative relationships that the goal of counting all residents can be reached. The Complete Count Committee (CCC) Program is the key to making this happen in communities all across the country. The CCC will provide a vehicle for coordinating and nurturing a cooperative effort between local governments, communities, and the U. S. Census Bureau. The local CCC has been informed by the Federal Census Committee Office in Waycross that no Federal funds are available for Valdosta-Lowndes County and they will have to raise their own funds for any events they would like to produce. James McGahee and Sam Allen, Co-Chairs for the 2010 Census Complete Count Committee, have requested that both the City and Lowndes County provide \$5,000 each for the funding of activities to be conducted in our community. Larry Hanson recommended that Council approve the request of the Census Complete Count Committee for \$5,000 to fund activities in our community.

A **MOTION** by Councilman Wright, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve a request to provide funding for the 2010 Census Complete Count activities from the Mayor and Council Contingency Fund.

Consideration of a request to approve an application to apply for grant funds from the 2010 Homeland Security Grants Program.

Henry Hicks, Utilities Director, stated that on December 18, 2009, the Georgia Emergency Management Association (GEMA) announced the beginning of the FY 2010 Homeland Security Grants Program process for the State of Georgia. The State of Georgia is receiving \$19,229,905. Further, the GRWA encouraged all of its members to apply for funding of projects to mitigate the vulnerability of drinking water systems via the fire hydrant, identified as the most accessible element of drinking water infrastructure and other potential uses. If approved by Council, the submittal of grant proposals will be due at close of business February 15, 2010. The City of Valdosta approved the Cross Connection Control and Backflow Prevention Ordinance on December 10, 2009 which establishes a program for the construction and administration of backflow preventers and the prevention of illegal cross connections into the potable water system. The City of Valdosta Utility Department feels that addressing the need for backflow preventers is paramount to assuring the safety of our drinking water supply. If successful, funds acquired will be utilized to offset, install, and upgrade backflow preventers throughout the City. Primary focus will be cases that present the most risk to the City and the system and to assist City residents with certain hardships or barriers to purchasing and installing the backflow preventers on their own. The City will establish a program designed to assist residents with the cost of purchasing and installing the system on their own. Staff will propose to request funds in the amount of \$1,000,000. Henry Hicks recommended that Council approve the request to approve an application to apply for grant funds from the 2010 Homeland Security Grants Program.

Mayor Fretti returned to the Council Chambers at 9:29 p.m.

A **MOTION** by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the request for an application to apply for grant funds from the 2010 Homeland Security Grants Program.

Consideration of a request for payment of emergency repairs to the Mud Creek Waste Water Treatment Facility.

Henry Hicks, Utilities Director, stated that the Mud Creek Water Pollution Control Plant was constructed over 30-years ago and with time has gradually deteriorated to the point where all systems are in need of replacement or rehabilitation. This facility is currently undergoing a major expansion to upgrade many of these systems to meet new regulatory requirements and prepare for growth within its service area. At the beginning of December, 2009, the main manhole receiving all influent into the Mud Creek Facility and leading to the influent main pump station collapsed along with associated piping. Private contractors were needed to handle the repairs and bypass pumping due to the extensive damage and equipment needed to make repairs. City Staff worked around the clock with these contractors to make repairs as quickly as possible. Ultimately, three main manholes and associated piping needed to be replaced. In addition, once these repairs were made a major leak was discovered by our CCTV (Closed Circuit TV) equipment just downstream from one of the plugged influent lines allowing significant ground water into the repaired manholes and lines. A separate contractor was brought in to make this repair. The leak was due to a missing gasket in the pipe joint that had probably been missing since its original installation. Heavy rains during this entire period significantly slowed repairs efforts. This facility was not returned to normal operations until the first week of January, 2010. The costs associated with these emergency repairs total \$124,006.48. Henry Hicks recommended that Council approve the request for payment to the contractors in the amount of \$124,006.48 for emergency repairs to the Mud Creek Waste Water Treatment Facility.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the request for payment to the contractors in the amount of \$124,006.48 for emergency repairs to the Mud Creek Waste Water Treatment Facility.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of appointments to the Valdosta Historic Preservation Commission.

Larry Hanson, City Manager, stated that the Valdosta Historic Preservation Commission has the following members whose terms will expire on February 13, 2010: (1) Mary Bryant, and (2) Latesha Bradley. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants for consideration in no order of preference are: (1) Mary Bryant (Incumbent) - Self Employed as a Personal and Direct Support Specialist, (2) Latesha Bradley (Incumbent) - Self Employed as an Attorney, and (3) Issa Hart - Stockside Operator (Packaging Corporation of America).

Mayor Fretti asked for nominations for Position #1 currently held by Mary Bryant. Councilman Vickers placed in consideration the name of Mary Bryant. Councilman Carroll placed in consideration the name of Latesha Bradley. There being no other nominations, Mayor Fretti closed nominations. Latesha Bradley received no votes and Mary Bryant received seven votes. Mary Bryant was reappointed to serve a term of three years on the Valdosta Historic Preservation Commission.

Mayor Fretti asked for nominations for Position #2 currently held by Latesha Bradley. Councilman Vickers placed in consideration the name of Latesha Bradley. Councilman Payton placed in consideration the name of Issa Hart. There being no other nominations, Mayor Fretti closed nominations. Issa Hart received one vote and Latesha Bradley received six votes. Latesha Bradley was reappointed to serve a term of three years on the Valdosta Historic Preservation Commission.

Consideration of an appointment to the Hospital Authority of Valdosta and Lowndes County.

Larry Hanson, City Manager, stated that the term of John W. Langdale, Jr. on the Hospital Authority of Valdosta and Lowndes County expired on February 1, 2010. This appointment was not advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy due to a 1992 Consent Order which allows the Hospital Authority to submit three names for the City's consideration. The applicants submitted by the Hospital Authority for consideration are as follows: (1) John W. Langdale, Jr. (Incumbent) - Timber Business, Langdale Industries, (2) James Harley Langdale - Vice President, Langdale Industries, and (3) Ben Copeland - President, Patten Seed Company. The Authority has recommended that John W. Langdale, Jr. be reappointed and Mr. Langdale has agreed to serve again if selected for reappointment.

Mayor Fretti asked for nominations. Councilman Vickers placed in consideration the name of John W. Langdale, Jr. There being no other nominations, Mayor Fretti closed nominations. John W. Langdale, Jr. was reappointed by acclamation to serve a term of five years on the Hospital Authority of Valdosta and Lowndes County.

Consideration of an appointment to the Valdosta-Lowndes County Parks & Recreation Authority.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Parks and Recreation Authority had a member, Caterina M. Orr, who resigned on January 12, 2010 due to time commitments related to her employment and her moving outside the city of Valdosta. This appointment was advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by the Mayor and Council. Applicants for consideration in no order of preference are as follows: (1) Kenneth J. Hotcaveg - Retired from the U. S. Air Force and the University of Georgia Coastal Plain Experiment Station, (2) Timm Samples - Manager, Texas Roadhouse, (3) Robert E. Willis - Recreation Director, Valdosta State Prison, and (4) Robert Yost - Vice President of Programs, Special Olympics Georgia.

Mayor Fretti asked for nominations. Councilman Eunice stated that, following the Enabling Legislation, he would like to place in consideration the name of Robert Yost. There being no other nominations, Mayor Fretti closed nominations. Robert Yost was reappointed by acclamation to fill the unexpired term of Caterina Orr on the Valdosta-Lowndes County Parks and Recreation Authority. Councilman Yost thanked Council for their support and confidence in him to serve on this Authority and stated that he looked forward to working with the current members on the Authority.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Bird Supper was a great success and thanked Sementha Mathews, Public Information Officer, and the County Staff for their assistance in coordinating the event.

The Utilities Department is sponsoring a Chili Cook-off for the American Cancer Society's Relay for Life. The event will be held on February 26, 2010 in the Multi-Purpose Room at the Annex Building.

The Martin Luther King, Jr. Park Dedication Ceremony held on February 6, 2010 was very successful and there was a very good turnout despite the cold weather.

The Protocol Training for Mayor and Council will be held on February 18, 2010, at 5:00 p.m. in Council Chambers. This is one of the Mayor and Council goals and Susan Moore, Attorney with the Georgia Municipal Association, will be leading the training.

The City of Valdosta is having a Neighborhood Development Housing Summit on March 6, 2010 at Mathis Auditorium. Staff has lined up an excellent group of profit and non-profit partners to participate in this program.

The City received a letter from the Georgia Department of Transportation wanting to have an early coordination for the Forrest Street widening project and they would like for the City to assist them. This will be for the section from of Park Avenue to Bemiss Road. They would also like to receive comments from some of the residents living on the street particularly as it relates to environmental justice which is what they are required to do on a project of this magnitude.

The Georgia Municipal Association will hold its annual Conference in June, 2010 in Savannah and registration is scheduled for March. The registration is always a challenge and Council is encouraged to complete the paperwork early.

Larry Hanson, City Manager, stated that he was glad to see the representatives from the Transitional Center because the City has worked hard with them on this program. The City currently has 14 employees from the Transitional Center and this demonstrates the goodwill and good faith of the City to participate in the program.

These are people who are released from the prisons here and they enter into the Transitional Center where they are on a work release program. Part of the money they earn goes towards their room and board and this helps them to transition back into society.

Larry Hanson, City Manager, stated that there is a chance for snow tomorrow evening in Albany and the possibility of up to one inch of snow in Valdosta.

COUNCIL COMMENTS

Councilman Wright stated that he was in support of Councilman Yost’s appointment to the Valdosta-Lowndes County Parks and Recreation Authority because he has had citizens contact him about reserving parks and they cannot get a telephone call through. As a result, he has to call two or three times to get a park rented for a citizen and the reason why he supported Councilman Yost is to try and help citizens get better service out of Parks and Recreation.

ADJOURNMENT

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Vickers was unanimously adopted (7-0) to adjourn the February 11, 2010 meeting of the Valdosta City Council at 9:46 p.m. to meet again in regular session on Thursday, February 25, 2010.

City Clerk, City of Valdosta

Mayor, City of Valdosta