

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, MARCH 22, 2012  
COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Robert Yost, Deidra White, and James Wright. Councilman Alvin Payton, Jr. arrived at 5:49 p.m. and Councilman Ben Norton was absent. The invocation was given by Rev. Jerry Long, First Presbyterian Church, followed by the Pledge of Allegiance to the American Flag. Mayor Gayle recognized the Lowndes Youth Leadership League who was in attendance.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE MARCH, 2012 EMPLOYEE OF THE MONTH AWARD**

Police Chief Frank Simons presented the March, 2012 Employee of the Month Award (Robert Raymond, Police Department).

Robert Raymond began his employment with the City of Valdosta Police Department on January 3, 2006 as a Patrol Officer. In August, 2009, he was transferred to the Persons Crime Unit of the Bureau of Investigations Division as a Detective which is the position he currently holds. His duties include conducting follow-up investigations on high-profile investigations including murder, rape, robbery, and aggravated assault. Detective Raymond is also a certified marijuana identification examiner and performs marijuana drug analysis for criminal prosecutions. In January 20, 2012, Detective Raymond and other Officers and Detectives responded to an armed robbery at EZ Title Pawn located in the 2900 block of North Ashley Street. Detective Raymond located one of the victims who was chasing the offender. Detective Raymond gave chase, arrested the offender, and was instrumental in recovering the handgun used in the robbery as well as all the cash taken from the business during the robbery. No one was hurt during the robbery including the offender. Detective Raymond had no backup when he chased the offender, took him to the ground, and handcuffed him. His dedication to his job and pride in his work prove his unyielding commitment to quality performance and allows him to unfailingly serve the citizens of Valdosta. He has a "can-do" attitude and does whatever it takes to overcome obstacles in order to accomplish the task at hand. For these reasons and many others, the Employee Relations Committee nominated Detective Robert Raymond as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the March 8, 2012 Regular Meeting were approved by unanimous consent (5-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2012-4, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 0.90 acres from Residential-Professional (R-P) to Neighborhood-Commercial (C-N) as requested by Vineyard Valdosta, LLC (File No. VA-2011-25). The property is located at 2004 Baytree Road. The applicant previously asked for the rezoning request to be tabled. The Greater Lowndes Planning Commission reviewed this request at their February 2012 Regular Meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommends approval (7-0-1 vote).

Matt Martin, Planning and Zoning Administrator, stated that the applicant had previously asked that this request be tabled at the December 8, 2011 City Council Meeting for two months, then again at the February 9, 2012 City Council Meeting for one month, and then tabled a third time at the March 8, 2012 meeting for two weeks. All re-advertising costs required by these tabling actions have been paid by the applicant. Vineyard Valdosta, LLC, represented by Tom Call, is requesting to rezone .90 acres from Residential-Professional (R-P) to Neighborhood-

Commercial (C-N). The property contains an existing residence which is located at the southeast corner of Baytree Road and Ellis Drive. The applicant is proposing to redevelop the property for a veterinary clinic containing 6,800 square feet of floor area and a parking lot with 36 spaces. The clinic is a proposed relocation and expansion of the existing Baytree Animal Hospital located approximately 800 feet to the east on Baytree Road. Under C-N zoning, this proposed use will require approval of a Conditional Use Permit (CUP) which is being reviewed separately (File No. CU-2011-07). The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-N zoning. The property is also located within the Baytree-University Corridor Overlay District; however, that has been exempted from the provisions of the Overlay District as approved by the City Council on December 8, 2011. In terms of size, the proposed site plan for the veterinary clinic is more intensive than the existing convenience store and the bank to the east and northeast of the property, and it is far more intensive than the existing single-family homes to the north and west of the property. There is also existing commercial development and zoning for properties to the east which face Gornton Road. To the north and west of the property, there is single-family residential development on properties zoned R-10 and R-15. Farther to the west beyond Springhill Drive is Voight's Sheet Metal Works which is zoned M-1 (non-compliant in the CAC character area), a small apartment complex in R-P zoning, and The Grove apartment complex (newly-built) in R-M zoning which was down-zoned from C-H. There is also the rear portion of the Drury Development property (Drury Inn and Olive Garden) which will have no access to Springhill Place due to topography, and there is currently no direct access from this development to Baytree Road. To the south, there is the former Black Crow Media Office in O-P zoning, more single-family development in R-10, and also a large multi-family complex in R-M zoning along Springhill Place. This is an area in transition with all of the different development patterns that are going on. Staff found the request inconsistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power and recommended denial. The Planning Commission reviewed this at their February 27, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0-1 vote).

Chuck Smith, 1321 West Hill Avenue, spoke in favor of the request. Mr. Smith stated that he represented the Baytree Animal Hospital who had contacted him approximately one year ago to review their existing location at 1619 Baytree Road. They have a tight parking area and as they reviewed the existing facility, Code requirements, and setbacks in the LDR, they realized that they could not do what they wanted to do for their customers and employees. They began looking for property and since they are known as Baytree Animal Hospital they wanted to remain on Baytree. They have done their due diligence on the project and hired an architect to prepare a site plan. The proposed relocation of the clinic will fit into the surrounding area and will be good for community and their business.

No one spoke in opposition to the request.

**A MOTION** by Councilman Yost, seconded by Councilwoman White, was unanimously adopted (5-0) to enact Ordinance No. 2012-4, an Ordinance to rezone .90 acres from Residential-Professional (R-P) to Neighborhood-Commercial (C-N) as requested by Vineyard Valdosta, LLC, the complete text of which will be found in Ordinance Book XII.

#### **ORDINANCE NO. 2012-5, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A VETERINARY CLINIC IF PROPERTY IS REZONED TO C-N**

Consideration of an Ordinance for a Conditional Use Permit to allow a Veterinary Clinic if the rezoning to C-N is approved as requested by Vineyard Valdosta, LLC (File No. CU-2011-07). The property is located at 2004 Baytree Road. The applicant previously asked for the Conditional Use Permit request to be tabled. The Greater Lowndes Planning Commission reviewed this request at their February 2012 Regular Meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval of the Conditional Use (7-0-1 vote) subject to one condition.

Matt Martin, Planning and Zoning Administrator, stated that the applicant had previously asked this request be tabled at the December 8, 2011 City Council meeting for two months, then again at the February 9, 2012 City Council meeting for one month, and then a third time at the March 8, 2012 meeting for two weeks. All re-advertising costs required by these tabling actions have been paid by the applicant. Vineyard Valdosta, LLC, represented by Tom Call, is requesting a Conditional Use Permit (CUP) for a veterinary clinic in a Neighborhood-

Commercial (C-N) zoning district. The applicant is proposing to remove the existing structure and redevelop the property for the relocation of the Baytree Animal Hospital to the site and the construction of an expanded 6,800 square foot building. This property was also being reviewed concurrently for a rezoning request to C-N (File No. VA-2011-25) and the rezoning must be approved in order for the property to be eligible for the CUP request. As outlined in the recommendation for File No. VA-2011-25, Staff is opposed to the requested rezoning to C-N for a variety of reasons and, therefore, is also opposed to this CUP request. Staff found the request inconsistent with the Comprehensive Plan and the Conditional Use Review Criteria and recommended denial. The Planning Commission reviewed this at their February 27, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval of the Conditional Use subject to the following condition (7-0-1 vote): (1) Approval shall be granted for a Veterinary Clinic in C-N zoning as depicted on the submitted conceptual site plan. Any minor modifications to the proposed layout shall be in accordance with the City's development standards and supplemental regulations in place at the time of permitting.

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Yost, seconded by Councilman Carroll, was unanimously adopted (5-0) to enact Ordinance No. 2012-5, an Ordinance for a Conditional Use Permit to allow a Veterinary Clinic in C-N zoning as requested by Vineyard Valdosta, LLC, the complete text of which will be found in Ordinance Book XII.

## LOCAL FUNDING AND REQUESTS

Consideration of a request for a Change Order on the Browns Canal project.

Pat Collins, City Engineer, stated that the City entered into a new contract agreement with the Natural Resources Conservation Service (NRCS) on April 14, 2011 to install a gabion structure along Browns Canal between West Street and Lamar Street. The funding provided by NRCS is a reimbursement grant with a 75/25 cost share. The project was approved by NRCS for a total cost of \$1,300,000 and would allow the City to be reimbursed 75% which would be a maximum of \$975,000. The bid was awarded to Radney Plumbing in April, 2011; however, due to an area that was not included in the plans, an additional easement had to be acquired and the plans were revised resulting in a Change Order in the amount of \$138,289.75. With construction scheduled to begin on June 20, 2011, both the City and NRCS Staff met onsite to make sure everything was lined up. In the previous year, the City has asked about the permitting requirements and was told by the regulatory agencies that no additional permits would be needed. NRCS came back and asked for confirmation that the City did not need permits from any State/Federal agencies. Staff had previously received verbal approval that no permits were needed; however, there was an error on the regulatory side which triggered permitting/approval from the U.S. Army Corp of Engineers (USACE), the U.S. Fish & Wildlife Services, Historic Preservation, and the Environmental Protection Division (EPD). The City submitted all necessary documentation by June 30, 2011, and received final authorization on September 8, 2011 to begin construction. The notice to proceed was issued on September 12, 2011 and the contractor started work on September 13, 2011. As the project progressed, it was realized by Staff and the contractor that the December 8, 2011 deadline was not achievable. A 60-day extension was requested and approved and the contract end date was moved to February 5, 2012. At the end of the project, additional work was needed to tie into the Lamar Street Bridge and a few properties. Due to the deadline nearing, the decision was made in the field to continue work while the contractor determined the additional cost to ensure that all work was completed before the contract expired with NRCS. All work was completed by the deadline and approved by NRCS on February 6, 2012. The Change Order information was provided on February 6, 2012 as part of the final invoice. The Change Order provided was for \$75,676.75; however, only \$10,336.40 remains in contingency. The expenses associated with this request are within the total approved amount by NRCS and the City is eligible to be reimbursed 75%. Pat Collins recommended that Council approve the request for a Change Order submitted by Radney Plumbing in the amount of \$75,676.75 which requires a \$65,340.35 appropriation to close out the final project. Councilman Wright inquired as to the total budget for the project. Pat Collins stated that the total project budget was \$1.3 million with expenses of \$956,308.13 prior to this Change Order.

Councilman Payton arrived at the Council Meeting.

A **MOTION** by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the request for a Change Order submitted by Radney Plumbing in the amount of \$75,676.75 to close out the Brown's Canal project.

**CITY MANAGER'S REPORT**

Larry Hanson, City Manager, stated that the Mayor and Council should have received an E-mail about the activities planned for Georgia Cities Week which will be held April 22-28, 2012. There are a lot of activities that Staff will be doing to inform the public and the community of the many services the City provides.

The Electronic Recycling Event will be held on March 31, 2012 at Mathis Auditorium from 9:00 a.m. to 1:00 p.m. This has been a highly successful program to help keep televisions, computer monitors, and other electronic materials out of our landfill.

The City Government 101 Class will begin on April 2, 2012 at 5:30 p.m. in the Council Chambers. The Mayor and Council are invited to attend.

The Resurfacing Program is continuing and this week East Moore Street and Northside Drive are being completed. We have received a lot of compliments from around the community about the many streets that have been resurfaced throughout the City.

The emergency repairs were completed on Baytree at Sugar Creek and on the spillway at the Millpond. Both of these projects were completed under budget.

There will be a Martin Luther King, Jr. Memorial Observance held on April 4, 2012 at 7:00 p.m. at the MLK, Jr. Memorial Park.

**COUNCIL COMMENTS**

Councilman Carroll stated that he would like to receive a copy of the list of participants in the City Government 101 Class.

Councilman Yost thanked the Staff and the City Manager for the good job that was done on the Mayor and Council Retreat. It was a very productive Retreat.

**CITIZENS TO BE HEARD**

Barbara Dye, 704 East Brookwood Place, inquired as to whether the City has a scheduled routine maintenance for the catch basins in her area. Ms. Dye also inquired about the status of getting sidewalks in that area. Larry Hanson stated that Emily Davenport, Stormwater Superintendent, would be glad to speak with Ms. Dye about the scheduled maintenance of the catch basins in the City. Also, the sidewalks are in the process of being designed and engineered and are scheduled to be completed by June 30, 2012.

**ADJOURNMENT**

Mayor Gayle entertained a motion for adjournment.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the March 22, 2012 meeting of the Valdosta City Council at 5:55 p.m. to meet again in regular session on Thursday, April 5, 2012.