

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, APRIL 10, 2008
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor Pro Tem Willie Head, Jr. called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, John Eunice, and Robert Yost. Councilman Alvin Payton, Jr. and Councilman James Wright were absent. Mayor John Fretti was also absent due to a trip to China. The invocation was given by Dr. John Manning, St. Mark Missionary Baptist Church, followed by the Pledge of Allegiance.

Mayor Pro Tem Head stated that Commissioner Mike Beatty, Georgia Department of Community Affairs, and his Staff visited Valdosta today and attended several ceremonies including raising a wall on a project spearheaded by the Valdosta Block Club Federation on East Force Street and a Signature Signing Ceremony which documented and signified a partnership with the City of Remerton. They also toured several projects in the community that were benefactors of the Georgia Department of Community Affairs various housing initiatives. Mayor Pro Tem Head thanked Larry Hanson, City Manager, and his Staff for the coordination of all the activities.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE APRIL, 2008 EMPLOYEE OF THE MONTH AWARD

Mayor Pro Tem Head entertained a motion for the April, 2008 Employee of the Month Award.

A **MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (4-0) to approve the April, 2008 Employee of the Month Award.

Mayor Pro Tem Head presented the April, 2008 Employee of the Month Award to Jimmy Aikens, Public Works Department.

Jimmy Aikens began his employment with the City of Valdosta in January, 1978 as a Laborer in the Public Works Department. During his 30-year career with the City, Mr. Aikens has held several positions of increasing responsibility and is currently a Heavy Equipment Operator in the Commercial Division of Public Works. Mr. Aikens drives a front-end loader, services a variety of Commercial accounts within the City, and transports the material picked-up to the landfill. He is also responsible for the safe operation and upkeep of his vehicle. Recently, Mr. Aiken's training and quick action avoided what could have been a very dangerous situation for himself, his equipment, and the public. After picking up the contents of a commercial container, he noticed smoke coming from the rear of his vehicle as he was proceeding to his next stop. He quickly located an empty parking lot and dumped the contents of his truck which was now beginning to develop into a full-blown fire. When air hit the remainder of the smoldering garbage the fire intensified and Mr. Aikens pulled his truck a safe distance away as the Fire Department arrived and extinguished the blaze. His quick action saved a \$225,000 truck from destruction, removed a hazard from the roadway, and prevented damage to surrounding vehicles and citizens. This is one example of Mr. Aikens' dedication to his job and to the City throughout his long career. It is well known that he shows up early, takes on additional routes when asked, and helps other drivers when he finishes his own route ahead of schedule. His concern for doing the job right and taking care of his equipment ensures his customers are always satisfied. For these reasons and many others, the Employee Relations Committee nominated Jimmy Aikens as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the March 20, 2008 Regular Meeting of the Valdosta City Council were approved by unanimous consent (4-0) of the Council.

There were no citizens to be heard.

PUBLIC HEARINGS

A REQUEST TO APPROVE THE ONE-WAYING OF LAKELAND AVENUE FROM FORREST STREET TO PARK AVENUE

Consideration of a request to approve the one-waying of Lakeland Avenue from Forrest Street to Park Avenue.

Von Shipman, City Engineer, stated that a public hearing was required for the changing of Lakeland Avenue to a one-way, eastbound street between Forrest Street and Park Avenue. The City School System is constructing a new W.G. Nunn Elementary School behind the existing facility on Forrest Street. The new ingress and egress for everything except buses will be off Lakeland Avenue between Forrest and Park Avenue. Buses will enter from Forrest Street and exit on Lakeland Avenue. The change will improve traffic flow on Forrest Street considerably. Von Shipman stated that he supported the conversion of Lakeland Avenue from Forrest Street to Park Avenue into a one-way eastbound street for several reasons. The first is that this section of road is only 18 feet wide and is barely able to safely support two-way traffic. If two-way traffic is to continue, the existing road will need to be widened to at least 22 feet. Coupled with the construction of a new sidewalk, this could result in the loss of a significant number of canopy trees. The second reason is that only about 200 motorists currently use this street each day. This number will increase to approximately 1,000 per day by the school entrance/exit being relocated from Forrest Street. Changing the street into a one-way eastbound street will prevent the intersection of Forrest Street and Lakeland Avenue from becoming more difficult to negotiate than it already is especially during the morning arrival period and the afternoon departure period. The third reason is that the primary access to most of the properties on the south side of Lakeland Avenue is actually on Park Avenue so these property owners will not be as negatively impacted by the one-way change. The final reason is that the change will eliminate westbound cut-through traffic from Park Avenue to Forrest Street. The property owners on the south side of this road have been contacted and there was a public meeting on January 17, 2008. None of the property owners attended the meeting but they did receive one comment from a property owner inquiring about the situation. The properties on the south of Lakeland Avenue front Park Avenue and have rear access. Some of the property owners have expressed concern about all the trees that have been cleared with the construction project and their privacy. Von Shipman recommended that Council approve the request to one-way Lakeland Avenue from Forrest Street to Park Avenue.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Yost, was unanimously adopted (4-0) to approve the one-waying of Lakeland Avenue from Forrest Street to Park Avenue.

ORDINANCE NO. 2008-11, AN ORDINANCE FOR A VARIANCE TO THE VALDOSTA SUBDIVISION REGULATIONS AS IT PERTAINS TO ACCESS

Consideration of an ordinance for a variance to Section 4-6.1 of the Subdivision Regulations as it pertains to access as requested by John Kendall (File No. VA-2008-08). The property is located at 2401 North Patterson Street. The Planning Commission reviewed this at their March regular meeting, found the request consistent with the Comprehensive Plan, specifically the Institutional Activity Center Character Area, and recommended approval (6-0-1 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a variance to Section 4-6.1 of the Subdivision Regulations as it pertains to access. The property includes a new medical office building currently under construction on the corner of Woodrow Wilson Drive and Patterson Street. Since the property is owned by the Hospital Authority, it is exempt from local regulations; however, in the future, they are

planning to sell portions of this office building to medical professionals and at that time it will no longer be exempt from regulations. To insure that no issues occur before or after the transactions, the applicant felt that it was important to get approval for a variance from both the Zoning Board of Appeals and the Mayor and Council. In order for condominiums to be created, they have to plat the individual office spaces. This is not technically a subdivision plat because they are not dividing the land and is actually a condominium plat. The City's current regulations do not have provisions for condominium plats so the Zoning Staff will work with applicants to grant variances to the Subdivision Regulations. The site plan shows that all of the land will stay under the ownership of the Hospital Authority and the only thing that will be under different ownership is the air space within the offices. The request is for a variance to the Subdivision Regulations as it pertains to access and to allow the developers to submit a Condominium Plat Act in accordance with the Georgia Condominium Plat requirements as opposed to a typical Subdivision Plat. The requested variance will not have any negative impacts on the surrounding properties and is consistent with the Comprehensive Plan; therefore, Staff recommended approval. The Planning Commission found the request consistent with the Comprehensive Plan, specifically the Institutional Activity Center Character Area, and recommended approval and to allow the applicant to submit a Condominium Plat in accordance with the State standards.

John Kendall, Attorney with Epstein, Becker & Green, 2141 Lamplight Drive, Atlanta, spoke in favor of the request. Mr. Kendall stated that he represented the Hospital Authority and they would like to sell individual condominiums as doctors' offices which would be outside of the Hospital Authority's exemption under the zoning laws. They wanted to proceed with getting the property set up for those transactions up front.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Eunice, was unanimously adopted (4-0) to enact Ordinance No. 2008-11 and grant a variance to Section 4-6.1 of the Subdivision Regulations as it pertains to access and to allow the applicant to submit a Condominium Plat in accordance with the Georgia Condominium Plat Act, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2008-12, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone .52 acres from Single-Family Residential (R-10) to Residential-Professional (R-P) as requested by Edward Cochran (File No. VA-2008-09). The properties are located at 310 and 312 Canna Drive. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .52 acres from Single-Family Residential (R-10) to Residential-Professional (R-P) to allow for an existing office and parking lot. One of the two parcels contains an existing site built house and the other has a parking lot. The site built house has been used for an office for quite some time; however, the office was for the State of Georgia and was never brought before the local business license radar. The property owners would now like to open a general office and that is when they realized that it was not zoned for an office. The surrounding zonings are Single-Family Residential (R-10) and Residential-Professional (R-P) and the property is located within an established Residential Character Area. Since the subject properties have been used for some time as an office and parking lot, their continued use should not have any negative impacts on the surrounding property; however; these properties should serve as the stopping point for any future non-residential zoning. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission found the request consistent with the Comprehensive Plan and recommended approval (7-0 vote).

Edward Cochran, 206 West Alden Avenue, spoke in favor of the request. Mr. Cochran asked Council's consideration in granting the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (4-0) to enact Ordinance No. 2008-12 and rezone .52 acres from Single-Family Residential (R-10) to Residential-

Professional (R-P) as requested by Edward Cochran and that this would serve as the line that separates the Neighborhood Activity Area from the Residential Character Area, the complete text of which will be found in Ordinance Book XI.

AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE WITHDRAWN

Consideration of an ordinance to rezone 3.676 acres from Neighborhood-Commercial (C-N) to Highway-Commercial (C-H) as requested by Danny Davis (File No. VA-2008-10). The property is located at 605 St. Augustine Road. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval of Community-Commercial (C-C) zoning (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to withdraw the request due to a decision not to purchase the property. Mr. Davis had spoken with all of the adjacent property owners about his specific plan if the property was rezoned and he did not feel that it would be responsible for him to continue with the rezoning if he was not going to be the one to actually develop the property. This request was received via E-mail today at 4:00 p.m. and the policy that Council has set is that letters should be submitted by 5:00 p.m. prior to the day that the request would be heard. The seller of the property and the property owner's representatives are aware that Mr. Davis would like to withdraw the request and have given their approval. Councilman Eunice asked if a motion needed to be made to approve the withdrawal. Mayor Pro Tem Head stated that in the past Council was asked if they had an objection to withdrawing the request. Larry Hanson, City Manager, stated that Mr. Davis is abandoning efforts to acquire the property and it would be difficult to legally hear the case if he is not going to be the owner of the property.

ORDINANCE NO. 2008-13, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE AND FOR A SPECIAL EXCEPTION FOR A MANUFACTURED HOME

Consideration of an ordinance to rezone .17 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) and for a Special Exception to place a manufactured home on the property as requested by Regina Palacios (File No. VA-2008-11). The property is located on the north side of Wilkerson Avenue, just east of South Patterson Street. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval including the placement of the home lengthwise rather than widthwise with the door on the end (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .17 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) and for a Special Exception for to locate a manufactured home on the property. The property, which is currently vacant, was an unincorporated island and is one of only two parcels that are not zoned R-6. The surrounding properties are a mixture of site-built homes, manufactured homes, and the Patterson Street corridor. There are two existing manufactured homes located adjacent to the property. Originally the applicant had requested to place the manufactured home lengthwise on the property. The ordinance requires that the conventional front of the home face the street; therefore, having the home placed lengthwise would not be allowed under the current ordinance. There was discussion at the Work Session about side yard setback variances and the applicant's lot is only 50 feet wide. A typical manufactured home is approximately 40 feet and the applicant is looking at a manufactured home that is 44 feet; therefore, if a variance would be needed for a 3 foot setback on the east side and a 4 foot setback on the west side in order allow the applicant to place the conventional front of the home facing the street. There are approximately eight other manufactured homes within 1,000 feet of the property and they are a mixture of single and double-wide manufactured homes. The property is located within an established Residential Character area so rezoning to R-6 would be consistent with the surrounding zoning and placement of a manufactured home would also be consistent with the construction that is in the area. Establishment of an additional manufactured home should not have a negative impact on the surrounding property, and it would be Council's discretion regarding the side yard setbacks. Staff found the request consistent with the surrounding development and with the Comprehensive Plan and recommended approval. The Planning Commission found the request consistent with the Comprehensive Plan and recommended approval of the rezoning and for a Special Exception including the placement of the home lengthwise rather than widthwise, with the door on the end (7-0 vote). Councilman Carroll inquired as to whether

Council could approve the side yard setbacks tonight. Anne-Marie Wolff stated that as part of the Special Exception Council could approve relaxation of the side yard setbacks.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Carroll to follow the recommendation of Staff and the Planning Commission to rezone .17 acres from Single-Family Residential (R-10) to Multi-Family Residential (R-6) and for a Special Exception to place a manufactured home lengthwise rather than widthwise with the door on the end on the property as requested by Regina Palacios and to include the necessary setbacks as it pertains to side yard setbacks. Councilman Vickers seconded the motion. The motion was unanimously adopted (3-1) with Councilman Yost voting in opposition to enact Ordinance No. 2008-13, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2008-14, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone .26 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) as requested by Joseph O'Brien (File No. VA-2008-12). The property is located at 1310 Baytree Road. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .26 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) for a commercial office. The property contained a site built house located at the northeast corner of Hollybrook Circle and Baytree Road which has since been removed. The surrounding properties include site built homes which are being used as offices and some residential which are currently listed for sale. The applicant would like to build a commercial office facing Baytree Road for Hearing Aid Center. The applicant is also proposing three parking spaces on the street which is the same layout that the office directly across Hollybrook Circle also has. The property is located in a Neighborhood Activity Center which encourages neighborhood-serving commercial uses and to the west, there is Community-Commercial zoning with the City of Remerton across the street. Depending on what the surrounding uses are when the applicant begins development, they may or may not need to provide a buffer. It is feasible though that the existing residential uses on Hollybrook Circle will eventually transition to some non-residential use. The smaller size of these properties will limit the type and intensity of uses choosing to locate there. Staff found the request consistent with the surrounding development and with the Comprehensive Plan and recommended approval. The Planning Commission found the request consistent with the Comprehensive Plan and recommended approval (7-0 vote).

Tony Barker, 5532 Val Del Road, Hahira, spoke in favor of the request. Mr. Barker stated that he was an Associate Broker and Chief Financial Officer for Barker Realty and Auction which is located at 1216 Baytree Road. Mr. Barker assisted the applicant with the purchase of the property and stated that the two adjoining residential properties on Hollybrook Circle are both for sale for \$250,000 each and listed with Graham Fiveash Real Estate. The average rent would be \$600-\$650 if the properties remained residential and the owners have abandoned the use for residential properties. The property to the right has been used as a commercial business and a contracting company currently has a lease on the property. There are no current residential properties currently adjoining the property.

No one spoke in opposition to the request.

A **MOTION** by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (4-0) to follow the recommendation of Staff and the Planning Commission and enact Ordinance No. 2008-14 to rezone .26 acres from Single-Family Residential (R-10) to Community-Commercial (C-C) as requested by Joseph O'Brien, the complete text of which will be found in Ordinance Book XI.

Consideration of an ordinance to annex and rezone 79.25 acres from Residential-Agricultural (R-A) County to Multi-Family Residential (R-6) and Single-Family Residential (R-6S) City and for a Special Exception to establish a church as requested by Shawn Starling (File No. VA-2008-13). The property is located at the northeast corner of Forrest Street and Knights Academy Road. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan specifically policy 3.3 which calls for a mixture of housing types, and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting annexation and rezoning of 79.25 acres from Residential Agricultural (R-A) County to Multi-Family Residential (R-6) and Single-Family Residential (R-6S) City for a residential subdivision and a Special Exception for a church. The Abundant Life Church of God will be relocating from their existing building to a new, 42,000 square foot building which would seat approximately 500 people. The church met all of the requirements within the Zoning Ordinance and Staff recommended approval for that portion of the request. The second part of the request is for a residential subdivision surrounding the church. The applicant is requesting R-6S zoning which would allow for a minimum lot size of 6,000 square feet. The site plan depicts approximately 247 lots and would connect to the existing Branch Point Subdivision. With that connection, the two subdivisions would have three points of ingress and egress. There is a breakdown of Phase I and Phase II for a total of 133 lots. There are six lots that are less than 7,000 square feet, approximately 48% are between 7,000 and 8,000 square feet, and 47% are greater than 8,000 square feet. When Staff looked at the surrounding areas, there is additional R-6S zoning; however, it has a condition that no lot be smaller than 8,000 square feet. The Highlands Subdivision which is further to the north has a condition that no lot be less than 8,000 square feet so between Highlands Subdivision there are approximately 317 lots and Branch Pointe 236 lots. The applicant's proposal is for an additional 247 lots. Staff was concerned about the precedent of R-6 zoning without conditions for this area considering that there are approximately 164 undeveloped acres that may develop residentially in the future. Staff would like to see the precedent that has been previously set by Council continue for a minimum of 8,000 square feet. Ms. Wolff stated that she has had several conversations with the applicant and the property owner about the preliminary subdivision plat and they are supportive of approvals for the preliminary subdivision plat; however, there are some lots that are not on the preliminary subdivision plat that are included in the rezoning which would need to be discussed separately unless a condition was placed on the rezoning. Staff recommended a minimum of 8,000 square feet or for approval of the preliminary subdivision plat that was submitted. The Planning Commission recommended approval of R-6S without any conditions. Councilman Eunice inquired as to how much of the property is not being developed at the current time but is included in the rezoning request. Anne-Marie Wolff stated that there is some acreage that was not depicted on the preliminary subdivision plat. Councilman Vickers inquired as to why the acreage was not on the plat. Anne-Marie Wolff stated that at this time that area would be considered Phase III and the applicant was not at the point to plat Phase III and they were only focusing on Phase I and Phase II. Mayor Pro Tem Head stated that since that acreage was not indicated on the plat then they could come back and develop that area into something with less than 8,000 square feet or 6,000 square feet. Anne-Marie Wolff stated that if no condition was placed on the zoning then they could actually develop anything with 6,000 square feet but if a condition was placed on the zoning for 8,000 or more then that would apply to the entire property. If they went with the preliminary plat then they would be able to have R-6 zoning with a minimum lot size of 6,000 square feet unless a condition was placed for the portion of the property that was not platted. Larry Hanson, City Manager, inquired as to whether the 247 lots included those two sections. Anne-Marie Wolff stated that the 247 lots did include those sections. The percentages that were mentioned earlier were based on the preliminary subdivision plat. Mayor Pro Tem Head stated that he did not want to leave that property that was not included in the preliminary plan because once Council takes action then that would allow the applicant to take whatever action they wanted to with that. Anne-Marie Wolff stated that when they submit their subdivision plat, Zoning would keep track of the number of lots that meet the certain percentages. If at some point in time they still had a certain percentage that they had to provide at a certain lot size, then that is what the remaining phase would have to be. Larry Hanson stated that if the applicant does proceed with Phase I and Phase II and they do not build Phase III for several years, then there is nothing that would prevent them from coming back before Council and asking to rezone the property at that time. Mayor Pro Tem Head stated that he was concerned about the precedent they were setting if they said something less than requiring the minimum to be 8,000 square feet across the board. Anne-Marie Wolff stated that there is always an option of excluding that portion that is not currently platted. Larry Hanson stated that 5% of the lots that are less than 7,000 square feet, 48% between 7,000 and 8,000 square feet, and 47% of the lots are greater than 8,000 square

feet. Councilman Eunice inquired as to the actual square footage of the lots that are less than 7,000 square feet. Anne-Marie Wolff stated that those were approximately between 6,200 and 6,700 square feet.

Shawn Starling, 4728 Michelle Street, spoke in favor of the request. Mr. Starling stated that he represented the property owners and there are six lots on Phase I and Phase II that are a little less than 7,000 square feet. In preparing the layout, most of the houses were greater than 7,000 square feet but there is no zoning requirement that distinguishes between R-6 and R-10 zoning. They selected R-6 zoning because the other developments are zoned R-6. The Highlands Subdivision is not connected to Branch Point Subdivision and those homes exit through one entrance toward Bemiss Highway. Since there is no in-between zoning, the applicant compromised and the majority of the lots that are in the first Phase that connects to Branch Point are bigger lots. Councilman Eunice inquired as to whether Mr. Starling was in agreement with the percentages that had previously been discussed for the entire property. Mr. Starling stated that based on his conversations with Anne-Marie Wolff he did not have any problems with that but he would need to consult with the owner to make sure that he understood the aspect. Councilman Carroll stated that it was shown on the site plan that the subdivision would connect to Branch Point Subdivision and inquired as to whether the lots would front interior roads. Mr. Starling stated that was correct and he had also discussed the placement of calming devices on some of the streets with the City Engineer.

Wayne Hughes, Pastor of the Abundant Life Church of God, 3604 Bermuda Run Drive, spoke in favor of the request. Mr. Hughes stated that the Church would celebrate their 100th anniversary this year and it has been in the City limits of Valdosta for its entire history. They recently began construction of their new church on Monday and things are moving very quickly. They cannot be annexed unless they are contiguous and the property owned by George Biles. Mr. Hughes stated that it was their desire to be a part of the City.

No one spoke in opposition to the request.

Councilman Eunice inquired as to whether George Biles was in agreement with the percentages on the lots that were previously discussed. George Biles, 3463 Knights Academy Road, stated that he did not have a problem with the percentages for lot sizes as long as there is a map drawn up. Mr. Biles stated that he wanted to help the Abundant Life Church of God with their annexation request. Larry Hanson stated that if anything else was ever considered for the property then they would have to go back through the process.

A MOTION was made by Councilman Eunice to approve the annexation and rezoning of 79.25 acres from Residential-Agricultural (R-A) County to Multi-Family Residential (R-6) and Single-Family Residential (R-6S) City and for a Special Exception to establish a church as requested by Shawn Starling with the following conditions discussed by Staff for the breakdown of lot sizes: (1) 5% of the lots less than 7,000 square feet, (2) 48% of the lots 7,000 to 8,000 square feet, and (3) 47% of the lots greater than 8,000 square feet. Anne-Marie Wolff stated that on the conceptual site plan, the property on the north that was not depicted on the preliminary subdivision plat shows lots that are 7,000 square feet. Mayor Pro Tem Head stated that this is than what the applicant had previously indicated because he was agreeable to that part that was not platted to be consistent with the percentages indicated earlier. Mr. Starling stated that he was confused because he was not aware of the percentages and that he had discussed the layouts for Phase I and Phase II. Anne-Marie Wolff stated that there was a miscommunication and the only thing that the percentages could be based upon was the preliminary subdivision plat. If those percentages were applied across the board then it would change the conceptual site plan and everyone needs to be in agreement that those lots not shown on the preliminary subdivision plat would need to be adjusted to meet the percentages. Larry Hanson stated that depending upon the allocation of those lots, it could have a minimal effect because at least half of them can be 7,000 square feet and depending on how the percentages were used throughout the whole development, then more than half could be. Anne-Marie Wolff stated that from Mr. Starling's understanding, half of his lots would have to be between 7,000 and 8,000 square feet, half would have to be over 8,000 square feet, and 5% would have to be between 6,000 and 7,000 square feet. Mayor Pro Tem Head stated that when the owner of the property spoke he was agreeable to applying those same percentages to the other portion and now Mr. Starling was thinking that everything else would be 7,000 square feet. Mr. Starling stated that it was laid out like that but this has not yet been designed and is a future Phase III. Larry Hanson stated that Mr. Biles has the right to come back in the future, based upon what happens during the years, and ask for a rezoning but it has to be rezoned something. Councilman Carroll seconded the motion. The motion was unanimously adopted (4-0) to enact Ordinance No. 2008-15, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2008-16, AN ORDINANCE TO EXTEND
THE CITY LIMITS, VOTING DISTRICT 4**

04/10/08 CONTINUED

Consideration of an ordinance to annex and rezone 18.29 acres from General-Commercial (C-G), Planned Development (P-D), and Highway-Commercial (C-H) County to Community-Commercial (C-C), Multi-Family Residential (R-6), and Highway-Commercial (C-H) City as requested by the City of Valdosta (File No. VA-2008-14). The properties are located at 4141, 4165, 4189, and 4207 Bemiss Road. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

Mayor Pro Tem Head stated that Council would hear Agenda Items (h), (i), and (j) together but each would require a separate vote by Council. Anne-Marie Wolff, Planning and Zoning Administrator, stated that there are three groups of properties located primarily on the west side of Bemiss Road and the Harvey's Shopping Center on the east side of Bemiss Road. These properties are now contiguous to the City Limits of Valdosta due to some recent annexations and will add approximately 42 acres to the City. There are no major changes in the zoning and the actual names of the zoning will be changed since the City does not have the exact same zoning classifications as the County. There is one exception, a manufactured home park, which is zoned Planned Development (P-D) and is located in the northern portion of this area. It will receive an R-6 zoning when annexed into the City. The property owner is agreeable to that zoning. There are signed letters from all of the property owners and they were aware that when the properties were developed they would be required to annex into the City when they became contiguous because they are currently receiving water and sewer services from the City. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval. The County had no objection to the annexations. Councilman Carroll inquired as to whether the motion would need to include a Special Exception for the manufactured home park R-6 zoning district. Anne-Marie Wolff stated that Council could include that in the motion but it would still come in as a non-conforming use and the property owners are aware of that.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (4-0) to enact Ordinance No. 2008-16 to annex and rezone 18.29 acres from General-Commercial (C-G), Planned Development (P-D), and Highway-Commercial (C-H) County to Community-Commercial (C-C), Multi-Family Residential (R-6), and Highway-Commercial (C-H) City as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2008-17, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4

Consideration of an ordinance to annex and rezone 1.93 acres from General-Commercial (C-G) and Highway-Commercial (C-H) County to Community-Commercial (C-C) and Highway-Commercial (C-H) City as requested by the City of Valdosta (File No. VA-2008-15). The properties are located on the west side of Bemiss Road just south of Cherry Creek Church Road. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that there were two parcels in this group to be annexed into the City. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval.

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 (4-0) to enact Ordinance No. 2008-17 to annex and rezone 1.93 acres from General-Commercial (C-G) and Highway-

Commercial (C-H) County to Community-Commercial (C-C) and Highway-Commercial (C-H) City as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2008-18, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4

Consideration of an ordinance to annex and rezone 21.64 acres from General-Commercial (C-G) and Highway-Commercial (C-H) County to Community-Commercial (C-C) and Highway-Commercial (C-H) City as requested by the City of Valdosta (File No. VA-2008-16). The properties are located at 3981, 3983, 3995, 4011, and 4060 Bemiss Road, 4110 Aslan Road, 4060, 4063, 4071, 4072, 4079, 4082, 4083, 4088, 4089, 4119, and 4127 Maranatha Lane. The Planning Commission reviewed this request at the March regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that this was the largest of the three groups to be annexed into the City and there were some undeveloped properties; however, when the properties are developed, they will conform to the City’s standards. Staff found the request consistent with the surrounding development and the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their regular meeting, found the request consistent with the Comprehensive Plan, and recommended approval.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (4-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2008-18, to annex and rezone 21.64 acres from General-Commercial (C-G) and Highway-Commercial (C-H) County to Community-Commercial (C-C) and Highway-Commercial (C-H) City as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2008-7, A RESOLUTION FOR THE GEORGIA RECREATIONAL TRAILS GRANT PROGRAM

Consideration of a resolution for the Georgia Recreational Trails Grant Program.

Eric Hahn, Interim Parks and Recreation Director, stated that in November, 2006, Mayor and Council approved the application to apply for funding in the amount of \$51,982 with a cash match of \$4,500 for the Georgia Recreational Trails Grant Program. Funds from the grant would be used to improve existing trails at Langdale Park and rerouting some trails to avoid wet areas. Boardwalks would also be built to make existing trails passable during periods of significant rainfall, and a trailhead would be established to provide users an opportunity to get out of the rain and serve as a gathering point for groups before and after using the trails. New trails would also be established that extend to a parcel adjacent to the existing Langdale Park, and a new trail would include a loop around the small pond on the adjacent Riley property. The parking area would be enlarged to accommodate buses from area schools that are using the park as an outdoor classroom, and security lighting would also be included to make users feel more secure. Funding decisions were announced on March 17, 2008 and the City was awarded funding. The total project cost is \$74,145.60 and the County will contribute a match. The difference in funding will be comprised of volunteer labor and materials. Eric Hahn recommended that Council approve the resolution for the Georgia Recreational Trails Grant Program.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (4-0) to follow the recommendation of the Interim Parks and Recreation Director and enact Resolution No. 2008-7, a Resolution for the Georgia Recreational Trails Grant Program, the complete text of which will be found in Resolution Book IV.

Consideration of a request to approve bids for the Fourth of July Fireworks Display sponsored by the City of Valdosta and Lowndes County (Bid No. 31-07-08).

Larry Hanson, City Manager, stated that the City of Valdosta in conjunction with Lowndes County sponsors a fourth of July fireworks display for all residents of Valdosta, Lowndes County, and the surrounding areas. Funds are budgeted each year for this event. A single response was received this year from Pyrotechnico in the amount of \$15,000 which was the same price as last year. Larry Hanson recommended that Council approve the bid submitted by Pyrotechnico in the amount of \$15,000.

A MOTION by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (4-0) to approve the bid submitted by Pyrotechnico in the amount of \$15,000 for the Fourth of July Fireworks Display sponsored by the City of Valdosta and Lowndes County.

Consideration of a request to approve a contract for engineering services for surveying, designing, and preparation of water and sewer lines for the annexed islands.

Leon Weeks, Director of Utilities, stated that effective on August 1, 2005, the City of Valdosta annexed all of the remaining property islands that had been surrounded by the incorporated property of the City. The ordinance for annexation and subsequent court documents stated that the City would install and pay for water and sewer mains to serve all of the residential property in the islands according to a priority schedule established after giving the residents the opportunity to make known their request for service. The City sent out letters with service request forms and held four neighborhood meetings for discussion of water and sewer installation. A Master Plan was then completed for installation of mains after collecting information including the desire for service, the cost per customer, health factors, and other criteria. In order to pay for the installation of mains, the City obtained a GEFA loan that included \$5 million for this project and in addition, the last SPLOST referendum also included an item of \$5 million for annexed islands water and sewer. A number of residents have already been connected to water and sewer and work is presently underway to serve others. From the Master Plan Priority Schedule, the City prepared a list of 13 projects of manageable size contracts with estimated costs between \$165,000 and \$1,415,000 whose total estimated cost for construction is approximately \$9,200,000. These islands contain a large portion of the residential lots in the islands needing water and sewer service. City Staff members, John Whitehead, III, Deputy City Manager of Operations, Von Shipman, P.E., City Engineer, Leon Weeks, Director of Utilities, and Afsaneh Jabbar, P.E., Assistant Director of Utilities, conducted interviews with three local engineering and surveying companies and felt that each has adequate staff, experience, resources, and the capability of providing plans for bidding and constructing this work. The firms are ASA Engineering and Surveying, Inc., EMC Engineering Services, Inc., and Lovell Engineering Associates, PC. After discussion with George Talley, City Attorney, he was of the opinion that the selection process was in accordance with requirements of City procurement and allowed for the expenditure of funds with local firms. The three firms made proposals to the City for providing surveying services, design, and specification documents for one large area according to a published, engineering society scale for services of this type with fees ranging from 5.3% to 12.3% of actual bid construction cost. Easement drawings, geo-technical investigations, and similar specialty items not required on all lines will be at additional agreed upon unit costs. Although an agreement has been reached on division of the other areas in the future, only one area per firm is being proposed for acceptance by the Mayor and Council at this time. Leon Weeks recommended that Council approve the following firms and proposals: (1) ASA Engineering & Surveying, Inc. (St. Augustine, S.E Area, 69C) - \$1,078,002, (2) EMC Engineering Services, Inc. (Pine Pointe Subdivision, 35A) - \$789,708, and (3) Lovell Engineering Associates, PC, (Cherry Creek Area, 1 thru 21) - \$1,271,000. Councilman Yost inquired as to whether the \$10,000,000 would cover the entire infrastructure that needs to be placed in the islands and how many areas would be left. Leon Weeks stated that this amounts to a major portion (60-70%) of the customers that will have service and a lot of the islands that will be done at a later date have only one or two customers in them. Larry Hanson stated that in the settlement of the lawsuit the City would hire someone to meet independently with all of the island residents and that has now been done. The residents had an opportunity to decide when they wanted the services and some of the island residents did not want the City's services at this time so the service to the islands is based upon their request to be served. There is no point in investing infrastructure in some of the areas where residents indicated they did not want the services now; however, the City has committed that we would serve them all within 12 years. Councilman Yost inquired as to whether he would be in the ballpark with a figure of less than \$5,000,000 to complete the project after the \$10,000,000 has been invested. Leon Weeks stated that was the original estimate.

A **MOTION** by Councilman Yost, seconded by Councilman Eunice, was unanimously adopted (4-0) to approve contracts for the following firms for engineering services for surveying, designing, and preparation of water and sewer lines for the annexed islands: (1) ASA Engineering & Surveying, Inc., (2) EMC Engineering Services, Inc., and (3) Lovell Engineering Associates, PC.

Consideration of a request to approve a contract with Camp Dresser & McKee, Inc. for the final design and expansion of the Mud Creek Water Pollution Control Plant.

Leon Weeks, Director of Utilities, stated that since 2005, the City of Valdosta has worked to complete the steps necessary for expansion of the wastewater treatment capacity in the Mud Creek drainage basin. A review of growth and many other factors determined a need for a plant with an average daily flow of 5.7 million gallons per day (MGD) and the Environmental Protection Division has issued a wasteload allocation allowing discharge of this amount of water to the stream provided that the water is treated to meet required levels. Camp, Dresser & McKee (CDM), the City's consultant for work in the Mud Creek Basin, has performed a design development review and selected the most cost effective liquid process additions to the present plant that would be required to meet the limits and they are working on completion of a design development report recommending implementation of the modifications and expansion of the plant. CDM continues to work on an evaluation of alternatives for treatment and use of solids removed from the water for Mud Creek Plant and the Withlacoochee Water Pollution Control Plant and it is anticipated that the selected solids handling alternatives will be implemented as a separate contract. The Water and Sewer Department and the consultants continue to work on evaluation of the wastewater collection to locate and remove infiltration and inflow from the system to lower the amount of water needing to be treated by the plants. The proposed lump sum fee for the design of the facilities is \$2,100,853. The cost for construction is estimated to be approximately \$20,000,000-\$25,000,000. The proposal by CDM provides for a complete set of plans and bid documents within 210 days after notice to proceed and for the submission of a separate, future proposal for Engineer Procured Construction Management (EPCM) services for project implementation after completion of the design. Solids treatment and handling will be added by separate contract after completion of a system wide solids evaluation. Leon Weeks recommended that Council authorize the City Manager to complete negotiations for a design contract with CDM and allow the Department to move forward with the project.

A **MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (4-0) to follow the recommendation of the Director of Utilities and approve a contract in the amount of \$2,100,853 with Camp Dresser & McKee, Inc. for the final design and expansion of the Mud Creek Water Pollution Control Plant.

Consideration of a request to approve a contract extension with Camp Dresser & McKee, Inc. for sewer rehabilitation.

Leon Weeks, Director of Utilities, stated that in accordance with the Water and Sewer Master Plan, the City selected two consultants during 2005 and proceeded with various activities to rehabilitate and improve the wastewater collection and treatment system in order to continue to provide service for continued growth of the residential, commercial, and industrial components of the City and to protect the environment by improved services. A major part of this work is the rehabilitation of the existing pipes, manholes, and lift stations of the sanitary sewer collection system. On September 6, 2007, the Mayor and Council approved a contract amendment with Camp, Dresser & McKee, Inc. (CDM) for several work tasks that were required in order to eventually build and pay for the plant expansions and to make needed repairs to the sewer collection system. One of the individual tasks in this amendment was a comprehensive evaluation of the wastewater collection system. The sewer system evaluation included many work items such as system assessment, flow measurement, data collection and analysis, preparation and verification of system maps, flow measurement, preparation of a computer simulation, analysis of system capacity, hydraulic modeling, evaluation of repair alternatives, and preparation of a final report of corrections and repairs needed. The preliminary work has defined the amount of surveys needed for the 275 miles of pipes in the system and CDM has requested an amendment to the contract in the amount of \$98,460 for hiring a surveyor and performing the needed work. Leon Weeks recommended that Council approve the request for a contract extension in the amount of \$98,460 with Camp Dresser & McKee, Inc. for sewer rehabilitation and authorize the City Manager to sign the contract extension.

A **MOTION** was made by Councilman Vickers to follow the recommendation of the Director of Utilities and approve a contract extension in the amount of \$98,460 with Camp Dresser & McKee, Inc. for sewer rehabilitation and authorize the City Manager to sign the contract extension. Councilman Eunice seconded the motion. Councilman Vickers inquired as to who would spearhead the project in the absence of the Director of Utilities who is retiring. Larry Hanson, City Manager, stated that John Whitehead, Deputy City Manager of Operations, and Afsaneh Jabbar, Assistant Director of Utilities, have been working closely with Leon Weeks and the City is also going through a search process at the current time. The motion was unanimously adopted (4-0).

Larry Hanson, City Manager, asked for appoint of personal privilege. Larry Hanson stated that this was Leon Weeks' last day working for the City of Valdosta. He has been a dedicated public servant and has had an incredible 40-year career in the utility business. He has been with the City of Valdosta for 39 years and it has been a privilege and joy to work with him as well as a great learning experience. Leon has always been dependable, reliable, highly competent, well-respected, professional, and the confidence that Council has had in him over the years has been amazing. With the type of projects that the City has had, such as the \$23 million Water Treatment Plants and \$19 million in expansions, Council has often taken his recommendations with very little discussion and that is the ultimate in faith, trust, and confidence. Larry Hanson thanked Leon Weeks for his service to the City and for his stewardship and work as a professional. Mayor Pro Tem Head also thanked Leon Weeks for his long years of service, his forward thinking, and for making sure that the City of Valdosta is moving in the right direction. Mayor Pro Tem Head asked that the last Agenda Item submitted by Leon Weeks be framed as his last official action with the City of Valdosta and that serve as a small reminder of Leon's last deed to insure that the community stays on track to provide the type of infrastructure needed for growth and development.

Consideration of a request to approve bids for Scott Park improvements.

Von Shipman, City Engineer, stated that Mayor and Council identified improvements to Scott Park as a goal several years ago. The City hired a Lose & Associates to prepare plans and specifications to meet the needs of our community through consultation with Eric Hahn, Interim Director of Parks and Recreation Department. Bids were received on March 20, 2008 with the low bid submitted by Rountree Construction in the amount of \$991,893. The next lowest bid was submitted by Standard Contractors in the amount of \$997,921. The Consultant estimate was \$1,000,000. After reviewing the five alternatives (extra track lanes, rubberized surface on the track, pavilion, splash/playground, and an additional pavilion) to be added onto the low bid, Staff recommended Mayor and Council only accept the base bid of Rountree Construction in the amount of \$991,893 plus a 10% contingency to handle unforeseen issues during construction. Von Shipman stated that he would work with the Parks and Recreation Department to put out a second bid for the construction of two pavilions that would be equal to ones that have been installed in other parks throughout the community as well as playground equipment. Von Shipman recommended that Council approve the low base bid submitted by Rountree Construction in the amount of \$991,893 plus a 10% contingency to handle unforeseen issues during construction.

A **MOTION** by Councilman Eunice, seconded by Councilman Vickers, was unanimously adopted (4-0) to follow the recommendation of the City Engineer and approve the low base bid submitted by Rountree Construction in the amount of \$991,893 plus a 10% contingency to handle unforeseen issues during construction.

BOARDS AND COMMISSIONS

Consideration of appointments to the Valdosta Historic Preservation Commission. Mayor/Council postponed the appointments at the March 20, 2008 regular City Council meeting until the April 10, 2008 regular City Council meeting.

Larry Hanson, City Manager, stated there were two positions to be filled on the Valdosta Historic Preservation Commission for King Smith and Dr. Harry Hamm whose terms expired February 13, 2008. Both King Smith and Dr. Harry Hamm have expressed a desire to serve again if appointed. The following names have been submitted for consideration: Position #1 currently held by King Smith – (1) Roxanne Beam, Architect with Ellis Ricket Associates, (2) Thor Hahn, Intern Architect with IPG, Inc., (3) Dr. Amanda Hall, Veterinarian with Baytree Animal Hospital, and (4) King Smith, Architect with Smith & Smith; Position #2 currently held by Dr. Harry Hamm – (1) Dr. Harry Hamm, LARC, Inc., (2) Robert Hatton, Pharmacist with The Medicine Shoppe

Pharmacy, (3) Matthew Lawrence, Attorney with Young, Thagard, Hoffman, Smith & Lawrence, LLP, and (4) Trent Coggins, Attorney with Coggins and Greneker, LP. Larry Hanson stated that it is the City's interpretation of the Georgia Certified City designation that an architect is required to serve on the Commission if one is available and recommended that Council select one of the architect names that have been submitted and move Dr. Amanda Hall's name to the second group of names.

Mayor Pro Tem Head asked for nominations for Position #1. Councilman Eunice placed in consideration the name of King Smith. There being no other nominations, King Smith was appointed to serve on the Valdosta Historic Preservation Commission for a term of three years.

Mayor Pro Tem Head asked for nominations for Position #1. Councilman Vickers placed in consideration the name of Dr. Harry Hamm. Councilman Eunice placed in consideration the name of Matthew Lawrence. Matthew Lawrence received two votes, and Dr. Harry Hamm received two votes. Mayor Pro Tem Head broke the tie and voted for Dr. Harry Hamm. Dr. Harry Hamm was appointed to serve on the Valdosta Historic Preservation Commission for a term of three years.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Georgia Department of Community Affairs Commission Mike Beatty was in Valdosta today for a Signature Community event with the City of Valdosta and the City of Remerton. We are one out of nineteen communities in Georgia out of over 700 governments to receive this designation. This will help us financially and has made the Downtown property owners eligible for lower interest money.

There will be a public comment meeting on the Land Development Regulations on Monday, April 14, 2008 at 5:30 p.m. in the Multi-Purpose Room at the City Hall Annex.

Larry Hanson, City Manager, stated that at approximately 4:00 a.m. this morning, Commander Bill Butler of the Valdosta Police Department suffered a massive stroke and was placed on a respirator. His condition did not appear to be good and at the beginning of the Council meeting, Police Chief Frank Simons had called and said the family was going to remove him from the respirator. Shortly thereafter, Commander Butler passed away. Commander Butler was a long serving member of the Valdosta Police Department and rose to the ranks as one of the three Commanders working over Support Services. Funeral arrangements are incomplete at this time but Council will be notified as soon as the information is available.

COUNCIL COMMENTS

Councilman Yost inquired as to when the Greater Lowndes County Planning Commission Joint Ordinance would be coming back before Council for approval. Anne-Marie Wolff stated that she would be meeting with representatives from the Planning Commission and the County within the next week as they would like to have it adopted prior to July 1, 2008. Councilman Yost inquired as to whether the document that comes back before Council would be a compromise among the three parties. Anne-Marie Wolff stated that she anticipated agreement among all three parties. Larry Hanson, City Manager, stated that the City has gone through two years of negotiations with the County on House Bill 489 and this did not come up during that time so he was not sure why there was no mention in the change of the makeup of the Planning Commission. Council needs to be cautious and careful since they have spent two years negotiating agreements on services and not change something for the benefit of one party. Councilman Yost also thanked Leon Weeks for his dedication and years of service to the City and stated that he will be greatly missed.

Councilman Vickers commended Mayor Pro Tem Head on his conducting the Council meeting during the absence of Mayor Fretti.

Councilman Carroll stated that Mayor Pro Tem Head did an outstanding job speaking on behalf of Council and Mayor Fretti at the Valdosta Block Club Federation ceremony that was held today.

Mayor Pro Tem Head entertained a motion for adjournment.

A **MOTION** by Councilman Eunice, seconded by Councilman Carroll, was unanimously adopted (4-0) to adjourn the April 10, 2008 meeting of the Valdosta City Council at 7:09 p.m. to meet again in regular session on Thursday, April 24, 2008.

City Clerk, City of Valdosta

Mayor, City of Valdosta