

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, APRIL 5, 2007
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: Willie Head, Jr., Sonny Vickers, David Sumner, Alvin Payton, Jr., John Eunice, Robert Yost, and James Wright. The invocation was given by Dr. Ronnie Mathis, Crossing Jordan Missionary Baptist Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE APRIL EMPLOYEE OF THE MONTH POSTPONED

Mayor Fretti stated that the candidate for the April Employee of the Month Award was unable to attend the Council Meeting and entertained a motion to postpone the request until the April 19, 2007 City Council Meeting.

A **MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to postpone the April, 2007 Employee of the Month Award until the April 19, 2007 City Council Meeting.

APPROVAL OF MINUTES

The minutes of the March 22, 2007 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Rev. Floyd Rose, 411 Orange Street, expressed his thanks on behalf of Save Our Children, Inc. and the Committee that sponsored the Rosa Parks Scholarship Awards Program. Rev. Rose also thanked Mayor Pro Tem Willie Head who presented the proclamation, Mara Register, Community Development Director, who worked on the Committee, and Councilman Sonny Vickers for his counsel and wisdom in working on this project.

Stan White, 123 North Patterson Street, stated that he lived, worked, and worshiped Downtown and was appointed by the Officers of the Downtown Valdosta Business Association (DVBA) as their representative. Mr. White stated that he went to school in the third and fourth grades approximately two blocks down the street from City Hall, lived in a historic home three streets over, went to church four streets over, bought school clothes at Lazarus and Southern Salvage, his Easter suit at The Famous Store, tennis shoes at the Dosta Sports Shop, and Easter Sunday shoes at Country Cobbler. He remembered visiting Morris Pawn Shop where Sidney Morris sold him his first guitar, and rode his bike and played with neighbors not far from where he was standing. Since that time, the Downtown district has fallen into decay and decline. Mr. White thanked all of the people who have been actively working for the last decade to rebuild and restore the Downtown area. He also thanked the City of Valdosta for the large investment with the streetscape and some of the families such as Mac Freeman, Homer Butler, the Girardin's, the Cox's, the Smith's, Dirk Hall, the Sloan's, the Wiggins', the Heddon's, the Barrett's, the Millers', the LaHood's, and many more who have worked diligently to rebuild, restore, and bring life and vitality to the heart of the City. Mr. White thanked Mayor and Council for their creativity, imagination, and vision for the ongoing rebuilding of the core of the City. It was Council's idea to place a new Municipal Center in the Downtown district and it was out of their convictions that led the City to enter into a contractual agreement for property to support this purpose. Mr. White stated that he would be presenting Council with a document and believed in Council's vision to help them continue to rebuild the City's center as follows: (1) Urban high density, multi-use developments are the current trend in contrast to the continued urban sprawl of past decades and placing the auditorium Downtown puts them in step with other progressive cities. (2) The placement of the auditorium Downtown continues the restoration of the City's urban core. The health of a city's urban center is an indicator of

the city's overall health and vitality. (3) A revitalized urban core will foster renewal and pride in the surrounding neighborhoods. You will see renewal of the beautiful and historic neighborhoods that have lost hope and fallen into decline. (4) Placing the auditorium in the Downtown area will also advance the formation of what already is an emerging art district in Valdosta. With the Turner Center, the Valdosta Theater Guild, the City Market with over 87 artists, the Southern Artist League with over 200 artists, the Galleria, Hildegard's, photographers, the imminent opening of Bas Blue (a new entertainment venue), the young artists of Fusion Creative Marketing, and all of this adjacent to the Valdosta State University Fine Arts Center. It is easy to foresee an emerging art district that will make Valdosta very attractive. (5) An attractive and unique Downtown makes Valdosta distinctive which in turn makes the City more attractive to industry and to people, especially young professionals and young teachers that we desperately need and who have historically tended to migrate elsewhere like Jacksonville, Atlanta, Tallahassee, and Savannah. (6) The placement of the auditorium Downtown seems to best represent all of the citizens of our City. Downtown is not the possession of one group, race, or class. It is the crossroads where all of the City's citizens meet. The center of the City is for all its citizens. (7) A revitalized Downtown builds community by getting people out of their cars and out onto the sidewalks, moving from place to place, and engaging in conversation. Revitalized Downtowns are one of the major indicators of the City's quality of life. (8) The DVBA supports the ongoing development of the other districts in our City and community; however, they believe that the placement of the auditorium Downtown would generate the greatest impact and return on investment for the community. (9) The Downtown placement of an auditorium will be best for the tax base. Once property is acquired by the City, the City loses its ability to collect tax from that particular property. It seems logical that vacant property in the Downtown district has less potential for generating tax revenue than property in other areas of town; thus, the cost to the City would be less by buying Downtown. In closing, Mr. White stated that they had over 1,300 signatures of support for Council's original vision. Less than five percent of the signatures are from residents, employees, and property owners of Downtown. Over 95% are from citizens from the other districts of our City. Mr. White stated that they will continue to collect petitions and it is their desire to support Council and honor their idea. They want Council to feel confident in their idea and vision and that is what the petition/support document is about. They will continue to report back to Council as the number of signatures grow and understand that any project of this kind will have barriers and blocks. They believe that Council's idea is good and that the center of the City is worthy of the effort in trying to overcome these obstacles. Some have said they should not be here at this point and be part of this process and that the signatures of support are premature. Some have criticized them for taking this issue to the elected representative, the City Councilman, but they stand strong and defend their Councilman and their right to meet with him. They stand strong and defend their right to collect signatures and rally support from the City's citizens. They stand strong and defend their right to voice their opinion before Council and appreciate Council for providing time for citizens to speak and be heard. Mr. White thanked Council for the opportunity to have voice in this process and for their faithful service to our wonderful City.

Mayor Fretti stated that any time is a good time to petition your government, to be involved, to form a petition, and to call your Council members, City Manager, and Mayor. Mayor Fretti thanked the DVBA members and all of the citizens who showed their support, passion, and vision for this project. Mayor Fretti stated that he personally supported the relocation of the Municipal Auditorium to the Downtown site. It would bring great synergy Downtown; however, the representative for the landowner may have increased the price \$200,000. Mayor Fretti stated to the media that every time something like this is in the newspaper, a representative of the landowner may feel he can go up in price. The City does not negotiate in public and should not negotiate in public. There are many details that have not been mentioned by the media. Mayor Fretti stated that he would be visiting every form of the media within the next two to four days so that they can hear some of the important details because they have not been shown to the citizens or to the City through the mediums. Negotiations are difficult and the government is fully involved and cares about this, but negotiations will not happen in public because the moment they do and the City pays too much for a piece of property then every fire house or right-of-way for a sidewalk will be doubled in price and they will take advantage of the government. Mayor Fretti thanked the DVBA for what they were doing and offered his support.

Ted Piles, 6514 Delmar Road, Naylor, Georgia, stated that he moved to Valdosta in 1991 from Bonham, Texas. He grew up in a small town that had wonderful Downtown area and his fondest memories were of the social interactions in the Downtown area. Mr. Piles stated that when he first moved to Valdosta, he would drive through the Downtown area and think what a shame that something is not going on in that area. Mr. Piles stated that he is an artist and felt that placing the auditorium at the proposed Downtown site would be a wonderful idea.

Roberta George, 2920 North Oak Street, stated that when she came to Valdosta 50 years ago, she and her husband would walk Downtown and look in the windows of the shops that Stan White mentioned earlier. When they go Downtown today, they can walk around and within a few blocks, they can eat, see art, and visit. At the recent parks and bicycles meeting, the Downtown area complimented. Ms. George stated that she came from Phoenix, Arizona, where everything was urban sprawl and you had to get in your car to go anywhere. Ms. George stated that she currently lives at the end of Oak Street where Five Points is more or less abandoned. It is ugly and spacious and you cannot walk to these places. We are now living in an economy where they are asking us to cut back on travel and if we place the auditorium out there we are asking people to travel further. When they were considering putting the Arts Center in the old First Federal Building located Downtown, a lot of things were against it including parking; however, there is a lot of parking in the evening when other businesses have closed. People are not against walking a couple of blocks but they are going to be against getting in their cars and going way out. Ms. George asked that Council keep these things in mind in making a decision.

Bob Nixon, 1110 Timberline Drive, stated that he is a property owner and Downtown business owner and asked Council to consider moving the auditorium to the old Tommy Griner property. If the City does not do anything with the property the only other thing applicable is another car dealership. This would help not just the Downtown area but also the whole City. There is already congestion by the Mall area and placing the auditorium Downtown would be a nice touch.

Marilyn Miller, 1306 Winding Ridge Circle, stated that she was a new resident to Valdosta and is also an artist. Ms. Miller stated that she was thrilled with what Valdosta has done as a cultural environment and the Downtown area and supports the auditorium being placed in the Downtown area. She and her husband go to the Symphony and attend all of the Presentation Series from the Turner Arts Center. Ms. Miller stated that she supports having the auditorium in the Downtown area and making Valdosta the City of Excellence.

PUBLIC HEARINGS

ORDINANCE NO. 2007-10, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone .58 acres from Residential-Professional (R-P) to Community-Commercial (C-C) as requested by Julie Jackson (P. C. File No. VA-2007-10). The subject property is located at 812 East Park Avenue. Planning Commission reviewed this request at their March regular meeting and recommended approval (7-0 vote).

Anne-Marie Wolff, Current Planner, stated that the applicant is requesting to rezone .58 acres from Residential-Professional (R-P) to Community-Commercial (C-C) with the intent of selling the property. A site built, single-family house is currently located on the property. The property was rezoned to R-P approximately one year ago and the applicant would like to rezone it to C-C to increase the marketability of the property. There is a mixture of Residential-Professional, Office-Professional, Community-Commercial, and Highway-Commercial zonings in the immediate area. East Park Avenue is an arterial roadway transitioning from a primarily residential corridor to one dominated by mixed uses. The property is located within a Neighborhood Activity Center which supports C-C zoning when the property is located on an arterial roadway. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their March 26, 2007 regular meeting and recommended approval of Community-Commercial (C-C) zoning (7-0 vote).

Julie Jackson, 203 Brookview Terrace, spoke in favor of the request. Ms. Jackson stated that she would like the property rezoned to fit in with the area. There is a beauty shop located next door to the property that is zoned C-C and there is an area a few doors down that is zoned C-C. There are duplexes located behind the property and businesses directly in front of the property. Ms. Jackson asked for Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the request and enact Ordinance No. 2007-10, to rezone .58 acres from Residential-Professional (R-P) to

Community-Commercial (C-C) as requested by Julie Jackson, the complete text of which will be found in Ordinance Book X.

ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE DENIED

Consideration of an ordinance to rezone .28 acres from Single-Family Residential (R-10) to Residential-Professional (R-P) and for a Special Exception to establish a Personal Service Shop (Nail Salon) in a Residential-Professional (R-P) zoning district as requested by Christopher S. Vu (P. C. File No. VA-2007-11). The subject property is located at 1026 Cherokee Street. Planning Commission reviewed this request at their March regular meeting and recommended approval (4-3 vote).

Anne-Marie Wolff, Current Planner, stated that the applicant is requesting to rezone .28 acres from Single-Family Residential (R-10) to Residential-Professional (R-P) and is also requesting a Special Exception to establish a Personal Service Shop (Nail Salon) in a Residential-Professional zoning district. The property currently contains a site-built house which the applicant intends to use as the Nail Salon while living in the home. While the subject property is located in a Transitional Neighborhood according to the Future Development Map, transition has yet to occur. The property located on the corner of Jerry Jones and Cherokee Street is zoned R-P and there is still an existing single-family house which is zoned R-10 between the subject property and the R-P property. The R-P zoning directly across the street from the subject property was approved in 2004 for a six-unit multi-family development rather than a commercial development. Staff was concerned about the possible impact of a full-scale Nail Salon on the surrounding residential properties and felt that the proposed use is premature according to the development within the area. Staff found the request inconsistent with the surrounding development and the Comprehensive Plan and recommended denial of the request for a full fledge Nail Salon. Staff would be in support of a home business that would have some limitations as far as the number of clients that the applicant could have and the exterior changes to the property but would still allow him to have a Nail Salon business. The Planning Commission reviewed this request at their March 26, 2007 regular meeting and recommended approval of Residential-Professional (R-P) zoning (4-3 vote) and a Special Exception for a Nail Salon. There would be parking in the rear of the property and with the information that Mr. Vu provided at the Planning Commission Meeting in which he would have three clients at a time and no more than that and have himself as the only employee, the Planning Commission felt the proposed use would not have a negative impact on the surrounding properties and recommended approval.

Mayor Fretti inquired as to how the home business would work and whether it would be a Special Exception. Anne-Marie Wolff stated that if Mr. Vu receives approval by Council then he would no longer live in the subject property and would turn the property into the Nail Salon business. If Mr. Vu does not receive approval for the Nail Salon then he could possibly ask for a Special Exception for a home business which would mean that he would be required to live there and would be able to use a portion of his home for the Nail Salon business. He would not be able to install a parking lot, have a large amount of signage, or have anything that made the home look like a business. He would also be limited as to the number of clients he could have a one time and how many cars would be parked in the driveway. Mayor Fretti inquired as to whether the applicant was aware of that scenario. Anne-Marie Wolff stated that she did speak with the applicant and he wanted to proceed with the current request.

Christopher Vu, 1026 Cherokee Street, spoke in favor of the request. Mr. Vu stated that he would like to rezone the property so that he could open up a Nail Salon. Mr. Vu spoke with his neighbors on the right and left sides of the property, Bayou Bill's located in front of his house, and with his neighbor located behind his house and they were not opposed to the request. Mr. Vu also wrote letters to Council members. Mayor Fretti asked Mr. Vu if he was aware of the other option of him living in the home and if he would prefer to rezone the business and not live in the house. Mr. Vu stated that was correct.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Yost to follow the recommendation of the Planning Staff and deny the request to rezone .28 acres from Single-Family Residential (R-10) to Residential-Professional (R-P) and for a Special Exception to establish a Personal Service Shop (Nail Salon) in a Residential-Professional (R-P) zoning district as requested by Christopher S. Vu. The motion died due to the lack of a second.

Mayor Fretti entertained another motion from Council to either approve or postpone the request. Councilman Vickers stated that he thought they were allowing Council time to read the letters. Mayor Fretti stated that they could entertain another motion to deny and allow Council time to review the letters. Councilman Yost stated that was fine and that his motion would stay the same and he would make the motion again. Mayor Fretti stated that Tim Tanner, Counsel, has advised that they may not be able to entertain another motion to deny again but they may be able to entertain a motion to re-entertain a motion for denial. Tim Tanner, Counsel, advised that they could entertain a motion to reconsider the motion to deny.

A MOTION was made by Councilman Yost to reconsider the motion to deny. Councilman Sumner seconded the request. Councilman Eunice inquired as to whether the vote was to deny the request. Mayor Fretti stated that it was to reconsider a motion to deny the request. The motion was unanimously adopted (7-0).

A MOTION was made by Councilman Yost to deny the request as presented to rezone .28 acres from Single-Family Residential (R-10) to Residential-Professional (R-P) and for a Special Exception to establish a Personal Service Shop (Nail Salon) in a Residential-Professional (R-P) zoning district as requested by Christopher S. Vu. Councilman Sumner seconded the motion. Councilman Yost stated that he appreciated the fact that Mr. Vu has come forward and would like to open his own business in the City of Valdosta, but reiterated the fact that a neighborhood is a neighborhood and it needs to remain a neighborhood. There is plenty of open business space and land that a business could be built on and we do not need to continually go into the neighborhoods and open businesses and destroy the existing neighborhood. This business has no business in the neighborhood. Councilman Yost stated that the business on the corner of Cherokee Street and Jerry Jones was approved by Council as a Beauty Shop because it was already currently operating as a business before Councilman Yost was elected. There is no reason to continue to destroy the neighborhoods and if there is, Councilman Yost stated that he would like to hear the reasons why. Councilman Yost stated that they needed to deny this request. Councilman Sumner inquired as to how soon the applicant could reapply if the motion fails. Anne-Marie Wolff stated that it would be one year. Mayor Fretti stated that no request, even a lower or higher intensity zoning, could be heard within one year. Councilman Wright stated that initially the applicant was going to move out of the home and have a full-scale business and it was suggested by Anne-Marie Wolff that the applicant could stay in the home and have a Nail Salon. Anne-Marie Wolff stated that even for the applicant to stay in the home and have a Nail Salon he would have to have permission from Council under a Special Exception status. Mayor Fretti inquired as to whether restrictions could be placed on the rezoning and Special Exception such as hours, number of employees, parking, etc. Anne-Marie Wolff stated that was correct and it would allow the applicant not to have to live there or even under the Special Exception approving the home business those same conditions could be placed. If Council approved just the home business then no change in zoning would occur. The applicant could have the home business in the Single-Family Residential (R-10) zoning. Councilman Wright stated that there are many times when Special Exceptions are put into place but he was concerned about enforcement for this request. The motion was adopted (4-3) with Councilman Eunice, Councilman Vickers, and Councilman Payton voting in opposition.

ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE DENIED

Consideration of an ordinance to rezone .25 acres from Multi-Family Residential (R-6) to Office-Professional (O-P) as requested by Jerome Findley (P. C. File No. VA-2007-12). The subject property is located at 2409 Giddens Drive. Planning Commission reviewed this request at their March regular meeting and recommended denial (7-0 vote).

Anne-Marie Wolff, Current Planner, stated that the applicant is requesting to rezone .25 acres from Multi-Family Residential (R-6) to Office-Professional (O-P). The property is currently undeveloped and abuts the rear of the applicant's daycare, which fronts on Bemiss Road. The applicant would like to extend the playground portion of the daycare onto the subject property. While Staff understood the applicant's desire to extend the auxiliary uses of his existing daycare facility, Staff also appreciated the need to protect the existing residential properties. The proposed extension would remove any buffer these existing residential properties have from the impacts of the daycare. Additionally, allowing the outdoor play area to further extend into the neighborhood would cause an increase in noise levels experienced by the surrounding residential properties. The neighborhood is located within an Established Residential Character Area, which should be protected from incompatible uses. Staff found the

request inconsistent with the Comprehensive Plan and incompatible with the surrounding properties and recommended denial. The Planning Commission reviewed this request at their March 26, 2007 regular meeting and recommended denial of Office-Professional (O-P) zoning (7-0 vote).

No one spoke in favor of the request.

Alan Canup, 3313 Bellemeade Drive, spoke in opposition to the request. Mr. Canup stated that he had a strong financial interest in the neighborhood and had 38 properties in the area. The majority of the properties are located on Oxford and Giddens Drive. Mr. Canup stated that he owned property on both sides of the proposed playground and when the property on Giddens Drive becomes vacant, it takes him almost ten times the number of showings to get someone to rent those properties. Mr. Canup stated that he was not against children until it hits his pocketbook. The noise level is such that no one wants to be next door to the daycare. That neighborhood has been residential since 1952 and there have been no other changes in zoning. Mr. Canup stated that he has spent a lot of money in that neighborhood in upgrading the homes and services and his sole income is from the rental properties. Mr. Canup asked Council's consideration in denying the request.

A MOTION by Councilman Eunice, seconded by Councilman Sumner, was unanimously adopted (7-0) to follow the recommendation of Staff and Planning Commission and deny the request to rezone .25 acres from Multi-Family Residential (R-6) to Office-Professional (O-P) as requested by Jerome Findley.

ORDINANCE NO. 2007-11, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone 1.2 acres from Manufacturing (M-2) to Light-Manufacturing (M-1) as requested by Lewis and Louise Wright (P. C. File No. VA-2007-13). The subject property is located at 212 West Street. Planning Commission reviewed this request at their March regular meeting and recommended approval (7-0 vote).

Anne-Marie Wolff, Current Planner, stated that the applicants are requesting to rezone 1.2 acres from Manufacturing (M-2) to Light-Manufacturing (M-1) in order to establish a social hall, event planning, and decorating business at the property. The property currently contains a monument and vault construction business. The applicants are requesting a down-zoning in order to use the property for two distinct uses. The proposed social hall, event planning, and decorating use should not have any greater impacts on the surrounding residential properties than the existing manufacturing uses. The property appears to have good access to accommodate the large number of users visiting the property. The property is located in a Neighborhood Activity Center which should serve as a neighborhood focal point with a concentration of activities. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their March 26, 2007 regular meeting and recommended approval of Light-Manufacturing (M-1) zoning.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of Staff and Planning Commission and enact Ordinance No. 2007-11, to rezone 1.2 acres from Manufacturing (M-2) to Light-Manufacturing (M-1) as requested by Lewis and Louise Wright, the complete text of which will be found in Ordinance Book X.

ORDINANCES AND RESOLUTIONS

**RESOLUTION NO. 2007-8, A RESOLUTION FOR DOWNTOWN DEVELOPMENT REVOLVING
LOAN FUND (DDRLF)**

Consideration of a request to approve a resolution for Downtown Development Revolving Loan Fund (DDRLF) for 215 West Hill Avenue (BHM, LLC).

Mara Register, Community Development Director, stated that the purpose of the DDRLF is to assist cities and counties in implementing quality Downtown development projects. The Georgia Department of Community Affairs (DCA) administers the fund and makes loans to eligible applicants. Applicants, may, with DCA approval, loan DDRLF funds to Downtown Development Authorities, which in turn may loan the funds to for-profit developers. Eligible uses include the rehabilitation of private facilities and new construction. The DDRLF carries below market interest rates (currently at 3%) and requires eligible applicants to approve a resolution in support of proposed projects. The developers for this project, which involves the new construction of a facility to serve as Customer Service Center for Georgia Power at 215 West Hill Avenue, are Larry Mercer, James Lee Herndon, and Nicky Balanis. The Initial Project Assessment (IPA) indicates a total budget of approximately \$734,625 and reflects the 10% (\$73,463) owners equity injection of, 50% (\$367,312) private funding through First State Bank, and 40% (\$146,500 each) to be split between the DDRLF and the Georgia Cities Foundation. Mara Register asked Council’s consideration in approving the resolution.

A MOTION by Councilman Head, seconded by Councilman Eunice, was unanimously adopted (7-0) to enact Resolution No. 2007-8, a resolution for Downtown Development Revolving Loan Fund (DDRLF) for 215 West Hill Avenue (BHM, LLC), the complete text of which will be found in Resolution Book IV.

ORDINANCE NO. 2007-12, AN ORDINANCE AMENDING THE TREE AND LANDSCAPE ORDINANCE

Consideration of a request to approve an amendment to the Tree and Landscape Ordinance.

Eric Hahn, Interim Director of Parks and Recreation, stated that Section 9-4005–Permits, Item C–Landscaping Standards, (1)(h) Minimum Planting Area per Existing or Proposed Tree of the Tree and Landscape Ordinance currently reads as follows: “Trees provided shall have no less than 150 square feet of planting area surrounding its base. Said area shall be maintained in either vegetative landscape material or other pervious surface cover. The length of all planting beds shall not exceed two and one-half (2.5) times its width.” This prevents larger beds or parking lot islands from being used without interruption by impervious surface which defeats the purpose of the provision. Larger, unpaved areas are much better for the survivability of trees. Eric Hahn recommended that the section be changed to reflect that for all planting beds less than eight feet wide, the length of all planting beds should not exceed two and one-half (2.5) times its width.

A MOTION by Councilman Sumner, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2007-12, to amend the Tree and Landscape Ordinance as requested, the complete text of which will be found in Ordinance Book X.

LOCAL FUNDING AND REQUESTS

Consideration of a request to approve a traffic signal on Norman Drive at the new Lowndes High School driveway.

Von Shipman, City Engineer, stated that the main driveway to Lowndes High School is currently on St. Augustine Road. The Lowndes County School Board approved a master plan of construction to help with the growth of Lowndes High School. To improve accessibility, the plan called for the existing driveway on St. Augustine Road to be relocated to Norman Drive at a point approximately 900 feet south of the intersection of Norman Drive and St. Augustine Road. A traffic signal is needed at the new driveway location. Because of the benefit to the school and to the traveling public, the Lowndes County School System has been asked to contribute \$17,000 toward the cost of the new signal which represents the cost of materials. The City would use our own personnel to install the equipment and if approved, the signal would be installed in June. Von Shipman recommended that Council approve the request for a signal and the \$17,000 contribution from the Lowndes County School System which will allow the City to order and install the equipment in June. Councilman Vickers inquired as to whether the traffic would enter that new drive and exit out the old drive by the storage unit. Von Shipman stated that traffic would enter and exit the new driveway. Students currently enter at the drive located near the storage warehouses and the other entrance is for parent drop off. The buses actually enter by the Lowndes County School Board Office, circle by the Interstate, and exit off of Clubhouse Drive with an escort from the Lowndes

County Sheriff's Office. The roads do have interconnectivity so that they could have a link to the other driveway especially in the afternoon when everyone is trying to exit.

A MOTION by Councilman Vickers, seconded by Councilman Wright, was unanimously adopted (7-0) to follow the recommendation of the City Engineer and approve a traffic signal on Norman Drive at the new Lowndes High School driveway.

Consideration of the selection of Grice & Associates to prepare a comprehensive Transportation Master Plan for the City of Valdosta.

Von Shipman, City Engineer, stated that a comprehensive Transportation Master Plan was identified by Mayor and Council as a goal. The Master Plan will address existing conditions along with a priority list of projects to meet the needs of our growing community. An outside Transportation Consultant is needed to conduct an independent investigation of existing traffic conditions and to map out future projects to meet the projected demand created by the large amount of growth expected over the next 25 years. Public input is very important and the Transportation Consultant will hold several public comment meetings to gain a better perspective from citizens about the transportation network. A Consultant Selection Committee consisting of Councilman Willie Head, Councilman Robert Yost, Larry Hanson, City Manager, Von Shipman, City Engineer, and Dan McGee, MPO Transportation Planner, was created. Eight proposals from interested consultants were received after a Request for Proposals (RFP) was properly advertised. The Committee narrowed the list to the following four firms: Grice and Associates, The Genesis Group, URS, and Street Smarts. Interviews were held and the Selection Committee identified Grice and Associates as the consultant of choice. Von Shipman stated that he met with Grice and Associates and reviewed their proposal. The total estimated, not to exceed, price for the project is \$230,878.50. The last phase of the project, Scope of Services, is for signal timing if the City would like additional services. The cost for an individual signal would be approximately \$4,600 and a series of up to ten signals would be approximately \$40,000. Councilman Payton inquired as to whether the Master Plan would include any sidewalk needs. Von Shipman stated that it does include sidewalks and also incorporates the fact that there is a separate study going on concurrently through the MPO for a Bicycle and Pedestrian Master Plan. The Genesis Group, from Tallahassee, Florida, is working on the Bicycle and Pedestrian Master Plan and they have already had one public meeting. They will be supplying information to Grice and Associates so that there is not a redundancy of efforts. Larry Hanson stated that eventually the information on sidewalks will be incorporated into the comprehensive Transportation Master Plan.

A MOTION by Councilman Head, seconded by Councilman Payton, was unanimously adopted (7-0) to follow the recommendation of the Transportation Selection Committee and the City Engineer and approve the selection of Grice & Associates to prepare a comprehensive Transportation Master Plan for the City of Valdosta in the amount not to exceed \$230,878.50.

Mayor Fretti thanked Von Shipman, City Engineer, and Jeff Messer, Traffic Manager, for their work on getting the traffic camera placed on the City's web site. This is the first one in the State and there were 1,700 hits as of 5:00 p.m. today.

Consideration of a request for a variance to the Municipal Utility Ordinance to allow service outside the City.

Larry Hanson, City Manager, stated that he has been working with the Industrial Authority to land a new industry and there are several small issues that need to be conveyed to the industry prior to approval. The Industrial Authority has asked that this be postponed for two weeks in order to work through some minor details and bring back before Council at the next regular meeting.

A MOTION by Councilman Vickers, seconded by Councilman Yost, was unanimously adopted (7-0) to postpone the request for a variance to the Municipal Utility Ordinance to allow service outside the City for two weeks until the April 19, 2007 Council Meeting.

Consideration of a request for contingency funds in the amount of \$10,000 for the Honor Flight Program for World War II Veterans.

Larry Hanson, City Manager, stated that we received the requested information from retired Lt. Col. Bert Powell as to the total numbers. Those figures have now been incorporated into a contract which complies with the City's policy for funding outside organizations. The organization is a 501(c)(19) and they have an annual audit, existing Board of Directors, and other measures that are in the policy. They are in compliance with the City's policy. There are over 70 retirees from Valdosta who have initially signed up for the Honor Flight which exceeds the \$10,000 contribution. The Honor Flight will take place on May 19, 2007. Mayor Fretti stated that Councilman Head has volunteered to travel with the group as a guardian.

A MOTION was made by Councilman Vickers to approve the contract in the amount of \$10,000 for the Honor Flight Program for World War II Veterans to travel to Washington, D.C., and for the City to pay the cost for any Council member to attend as a guardian which is \$300 per person. Councilman Wright seconded the motion. Councilman Payton stated that he was concerned about the additional \$300 for the Councilman as a part of the \$10,000 gift. Councilman Payton stated that he would like for that to be considered as two separate situations as opposed to having it piggy-back onto the \$10,000 contribution. Councilman Eunice stated that in his almost four years in Council there has not been a more worthy cause come before Council to be voted on and offered his support for the Honor Flight Program. Councilman Payton stated that he supported the Honor Flight contribution of \$10,000 but did not support Council being a part of that contribution. Councilman Sumner stated that he would support the motion but felt that if a member of Council would like to travel with the group he should pay his own way and it should not be taken away from the Veterans. The motion was unanimously adopted (7-0).

Consideration of bids for the Millpond Dredging Project.

Von Shipman, City Engineer, stated that a priority list of storm water management projects was identified in the 1996 Storm Water Master Plan. One of the 58 projects was the dredging of the Jo Ree Millpond. The dredging is necessary to remove sediment that has entered the lake from the upstream 1,900-acre watershed. In anticipation of the dredging activity, the City has lowered the level of the lake to allow the water table to subside and allow the material to dry out as much as possible. The City is bound under new mandated storm water quality rules from the State of Georgia Department of Natural Resources. In order to better manage the flow of storm water in this area of our community, the City acquired the pond from the owner as a gift with the stipulation that the pond would be returned to its original size and depth by the end of 2007. The plan is to lower the level of the normal point elevation by one foot thus creating a very large storm water retention facility. It should be noted the estimated quantities of material to be hauled out of the pond may be higher than the actual amount due to the uncertainty of the footprint of the 'original clay bottom' that is identified in the property deed. Only City storm water maintenance personnel will have access to the lake. Plans were prepared by Jones Edmund and Associates and bids were received on March 27, 2007. Ten contractors attended the mandatory pre-bid conference but only one chose to submit a bid. A construction estimate was not prepared by the City due to the unusual nature of the project. The only bid was submitted by Delmonico Restoration and Development in the amount of \$923,500 and a 10% contingency is requested to cover extra work that is identified during construction. The company website has been reviewed and current project clients have been contacted. They indicated that Delmonico Restoration and Development LLC is an excellent contractor and if approved, the contractor would start work by early May with completion by the end of August. Von Shipman recommended that Council approve the bid submitted by Delmonico Restoration and Development in the amount of \$923,500 with a 10% contingency. Councilman Vickers inquired as to the number of truckloads of material to be hauled away and the weight of each load. Von Shipman stated that they were working with the contractor and Veolia Environmental Services to use their scales which is the most accurate way to determine the volume of material. Larry Hanson, City Manager, inquired as to whether it originally was going to be weight-based or by the number of truckloads. Von Shipman stated that it was by the number of trucks so it is hauled material that is the cubic yardage. They will work out the details so that they can make sure the weight of water is included in that material. Larry Hanson stated that it would be to the City's advantage to make it load base and not a weight base. Von Shipman stated that it would be an interesting process to return the lake to its original level and to make sure that the depth of the water and the finished product will be deep enough to prevent grasses from growing in the lake. There is a boundary around the lake and even though there are residents who live on the side of the lake, they do not own the lake itself or have true frontage on the lake

and will not have access to it. Councilman Head inquired as to whether this was conveyed to the property owners because there have been some people fishing in the lake recently. Larry Hanson stated that they met with the entire neighborhood approximately one year ago and reviewed what the rights would be going forward. The residents understood that at the time of the project the existing docks would be removed and it would not be a fishing lake but a storm water retention pond.

A **MOTION** was made by Councilman Sumner to approve the contract with Delmonico Restoration and Development in the amount of \$923,500. Councilman Payton seconded the motion. Councilman Vickers inquired as to whether the motion included the 10% contingency. Councilman Sumner stated that it did include the 10% contingency. An amended motion was made to include the 10% contingency. Councilman Payton was in agreement with the amended motion. The amended motion was unanimously adopted (7-0).

CITY MANAGER’S REPORT

Larry Hanson, City Manager, stated the initial success of the City’s web traffic cams has been overwhelming and been very positive.

Larry Hanson, City Manager, stated that the pre-emption devices that Council previously approved have been installed and the Fire Department has been trained. There are ten devices in use for the Downtown area which include Hill Avenue, Ashley Street, and Oak Street. The City of Valdosta is the first in the State to have this type of pre-emption device and once the truck hits his light, they are automatically engaged. This will help to improve the safety of the Fire Department and also the public. Councilman Head inquired as to whether one would be installed at the intersection of Park Avenue and Ashley Street. Larry Hanson stated that eventually one would be installed there but not in the first phase.

Larry Hanson, City Manager, stated that the Georgia Department of Transportation (DOT) list has changed and the Staten Road Bridge project and the City’s widening of Oak Street Extension has been moved up to Fiscal Year 2008, the right-of-way acquisition for the West Hill Avenue overpass project has been moved from 2011 to 2008 with construction to begin in 2009, the Forrest Street widening project from Bemiss Road to Park Avenue is slated for 2010, and the Jerry Jones/Eager Road project is scheduled for Fiscal Year 2010. The City will continue to work with the DOT to get that project moved up earlier since the Engineering drawings are 90% complete.

COUNCIL COMMENTS

Councilman Yost thanked Von Shipman, City Engineer, and his Staff for the ditches being piped in his District and for repaving of the streets. Councilman Yost also inquired as to when Council voted to sell Mathis Auditorium to the hospital, how much the City received for it, and where that money is from the sale. Larry Hanson, City Manager, stated that the City had previously made a contractual arrangement with South Georgia Medical Center and sold them the parking lot on the Williams Street side of Mathis Auditorium and the Fire Station. As part of that contract, the City gave the hospital a right of first refusal if at some point in time the City chose to sell Mathis Auditorium. This means that if someone else makes an offer, the hospital would have the right to match that offer and buy the property. That is the only contractual relationship that exists between the City of Valdosta and the hospital regarding Mathis Auditorium.

ADJOURNMENT

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

A **MOTION** by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to adjourn the April 5, 2007 meeting of the Valdosta City Council at 7:08 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:46 p.m. and stated that there was no action necessary in relation to the discussion of real estate in Executive Session.

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Vickers, seconded by Councilman Sumner was unanimously adopted (7-0) to adjourn the April 5, 2007 meeting of the Valdosta City Council at 7:47 p.m. to meet again in regular session on Thursday, April 19, 2007.

City Clerk, City of Valdosta

Mayor, City of Valdosta