

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, MAY 10, 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 Don Vollenweider, Gloria Dei Lutheran Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE MAY EMPLOYEE OF THE MONTH POSTPONED

Mayor Fretti stated that the candidate for the May Employee of the Month Award was unable to attend the Council Meeting and entertained a motion to postpone the request until the May 24, 2007 City Council Meeting.

A **MOTION** by Councilman Head, seconded by Councilman Payton, was unanimously adopted (7-0) to postpone the May, 2007 Employee of the Month Award until the May 24, 2007 City Council Meeting.

APPROVAL OF MINUTES

The minutes of the April 19, 2007 Regular Meeting of the Valdosta City Council were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Rod Nebel, 2205 Bemiss Road, stated that had a problem with his water/sewer bill in February, 2007, and called Customer Service to resolve the problem. The recording on the phone said the office closed at 5:00 p.m. and that someone would call him back. Mr. Nebel left his name and number so someone could call him back. His phone call was never returned so he went to the Customer Service Office and arrived at 4:30 p.m. There was a lady standing at the door and she would not let him in the building. They were closed at 4:30 p.m. instead of 5:00 p.m. Mr. Nebel then called the City Manager's office and left a message with the Secretary but never received a call back. He then called the Mayor in order to get his call returned. Mr. Nebel stated that he had a similar problem last week when he received his bill on May 4th and it was due on May 7th. He called Customer Service and got the recording which stated they were open until 5:00 p.m. and that they would call him back. No one ever called back. He then came to City Hall and spoke with Mark Barber, Finance Director, and he agreed that the City had overcharged him \$65. Mr. Nebel also spoke with the City Manager about the problem and also told him no one had ever returned his call. Mr. Nebel stated that another thing that was disappointing with the way the City is run was that he could not find the handicap access entrance at City Hall. When he did find it, the handicap entrance was locked and there was no way to get in. Mr. Nebel stated that he knocked on the door with his cane until someone finally let him in. There was no sign out front indicating where the handicap access was located and there is nothing inside the building stating where it is located. Mayor Fretti stated that the handicap entrance is always locked and has a camera access and doorbell. Mayor Fretti thanked Mr. Nebel for his comments and noted that the problem with the handicap accessibility would be investigated and Larry Hanson would follow-up with Mr. Nebel. Mayor Fretti asked Mr. Nebel to contact him in the next 30 days.

Nanine Boon, 208 Denmark Street, P. O. Box 367, stated that she was one of the island residents recently annexed into the City. Ms. Boon stated that she did not want to bring this before Council but felt like she had no other alternative. She was recently involved in a situation that resulted in a civil variation of false imprisonment, coercion, intimidation, malfeasance, misfeasance, purgery, conscription of two local government employees to commit purgery, failure to follow a Judge's order, and misuse of the Lowndes County Sheriff's

Department Deputy for surveillance of a private citizen without a court order and without any reason. Ms. Boon stated that she was seeking information and went to the Mayor's office and asked to see the budget so she could find out who belongs to who so she would not be going to the wrong people asking the wrong questions. The Mayor's office informed her that the public was not permitted to look at the budget and was told that if she had a question then she should come to the Council meeting. Ms. Boon inquired as to whether the following items were available to the public and if so, how could she obtain copies of the information: (1) City budget, (2) Organizational chart for the City government which may or may not show the shared City/County Departments, (3) Position descriptions for City employees, (4) Ethical guidelines for City employees, and (5) Manner and method for redress of grievances regarding employees. Mayor Fretti inquired as to whether Ms. Boon had left her phone number. Ms. Boon stated that she had no phone number and receives her mail at her Post Office Box. Larry Hanson, City Manager, stated that the City's budget was public information and Ms. Boon was welcome to come and review it; however, some of the other information may require her to complete an Open Records Request. Larry Hanson stated that he would be glad to meet with Ms. Boon next week. Ms. Boon stated that she would contact the City Manager's office to set up an appointment.

Roger Budd, III, 5 Cherokee Circle, stated that he was concerned about the billboard moratorium issue. Billboards in Valdosta are already heavily regulated with 5,000 feet between the changeable copy face which is almost a mile and way out of visible distance of the two locations. Mr. Budd stated that he hoped the intent of the moratorium was not to increase the strictness of the regulation and inquired as to why the sign ordinances could not be reviewed while still doing business under the existing ordinance. If changes need to be made then they could be made at that time. Mr. Budd stated that he has a pending billboard application located at Patterson Street and Northside Drive and wanted to find out what the status of the application was because he has expended time and money in researching the setbacks and other issues. Mayor Fretti stated that Council has not voted on this issue and once they vote then the nature of the pending application would have to be addressed. Mayor Fretti stated that we would get back with Mr. Budd tomorrow morning based upon the vote by Council tonight.

PUBLIC HEARINGS

REQUEST TO CLOSE AN ALLEY OFF OF SOUTH TOOMBS STREET

Consideration of a request to close an alley off of South Toombs Street.

Von Shipman, City Engineer, stated that on March 22, 2007, Council approved the closure of a portion of an alley between South Toombs Street and South Oak Street near Tillman Street at the request of the property owners. Council had also asked that consideration be given to closing the remaining portion of the alley. Von Shipman stated that he contacted adjoining property owners, one being a private property owner and the other a church. A certified letter was sent to the Church of God in Unity notifying them of this change and Mr. Russell Johnson has signed this petition for the remaining part of the alley to be closed. Von Shipman recommended that Council approve the request to close the alley off of South Toombs Street.

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 approve the request to close the alley off of South Toombs Street.

ORDINANCE NO. 2007-14, AN ORDINANCE FOR A SPECIAL EXCEPTION FOR AN ACCESSORY USE RELATED TO A CHURCH IN A MULTI-FAMILY RESIDENTIAL (R-6) DISTRICT

Consideration of an ordinance for a Special Exception for an accessory use related to a church in a Multi-Family Residential (R-6) district as requested by John W. Hezekiah (P. C. File No. VA-2007-14). The property is located at 504 East Force Street. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception for an accessory use related to a church in a Multi-Family Residential (R-6) zoning district. The property is currently undeveloped and is being used for parking by the church. The applicant intends to pave the lot to provide parking for the church located across the street. This improvement will require the applicant to meet the provisions of the Tree and Landscape Ordinance. The Site Plan that the applicant submitted would need to be revised to meet some additional requirements of the Tree and Landscape Ordinance. The required 3-foot buffer around the perimeter of the lot should serve to limit the aesthetic impact of the parking area on the surrounding properties. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their April regular meeting and recommended approval of a Special Exception for an accessory use related to a church in a Multi-Family Residential (R-6) zoning district (8-0 vote).

No one spoke in favor of 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 enact Ordinance No. 2007-14, for a Special Exception for an accessory use related to a church in a Multi-Family Residential (R-6) district as requested by John W. Hezekiah, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-15, AN ORDINANCE FOR A VARIANCE TO THE VALDOSTA SUBDIVISION REGULATIONS AS IT PERTAINS TO ACCESS

Consideration of an ordinance for a variance to the Valdosta Subdivision Regulations as it pertains to access as requested by Joe Clark for Henry Wright (P. C. File No. VA-2007-15). The property is located at 1195-B Old Statenville Road. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a variance to the Valdosta Subdivision Regulations as it pertains to access. The property is currently undeveloped and the applicant intends to extend the existing Sands Horizon Independent Living Facility. The proposed subdivision of the property will provide for future phases of Sands Horizon. In order for the applicant to receive assistance from the Department of Housing and Urban Development (HUD), each lot must be individually subdivided. The proposed road is not planned for the near future but it is contingent upon funding. In lieu of the proposed road, the driveways would be inner connected. Without the variance to the access requirement, this subdivision could not occur. Accommodations for public safety vehicles will be incorporated during the plan review process. If at a later date the road were to be constructed, it would need to connect to Willow Way. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their April regular meeting and recommended approval of a variance request to the Valdosta Subdivision Regulations as it pertains to access (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Wright, seconded by Councilman Head, was unanimously adopted (7-0) to enact Ordinance No. 2007-15, for a variance to the Valdosta Subdivision Regulations as it pertains to access as requested by Joe Clark for Henry Wright, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-16, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 3

Consideration of an ordinance to annex and rezone 10.01 acres from Highway-Commercial (C-H) County to Highway-Commercial (C-H) City as requested by Apex Investment Group, Kevin Barker (P. C. File No. VA-2007-16). The applicant is also requesting a variance to the City of Valdosta Subdivision Regulations as it pertains to access. The property is located on the east side of St. Augustine Road, south of the railroad. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting annexation and rezoning from Highway-Commercial (C-H) County to Highway-Commercial (C-H) City in order to receive water/sewer services. The applicant is also requesting a variance to the City of Valdosta Subdivision Regulations as it pertains to access. The property is currently undeveloped and the applicant intends to develop a commercial business park including warehousing. The applicant would like to subdivide each office and sell individually as opposed to leasing the property. The applicant's variance request is warranted since no condominium standards currently exist within the Subdivision Regulations. The necessary Site Plan modifications will occur during the plan review process. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their April regular meeting and recommended approval of annexation, Highway-Commercial (C-H) zoning, and a variance to the City of Valdosta Subdivision Regulations as it pertains to access (8-0 vote). Councilman Vickers inquired as to whether the applicant would have to adhere to the Tree and Landscape Ordinance along the perimeter since there was a canal on the north end of the property and residences on the south end. Anne-Marie Wolff stated that was correct. The applicant's Site Plan would need to be revised to accommodate the 100-year flood plain that is located on the north end of the property and to demonstrate the buffer that will be on the eastern and southern portion of the property where it abuts the residential uses.

Kevin Barker, 4077 Quail Run Circle, spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Eunice, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-16, to annex and rezone 10.01 acres from Highway-Commercial (C-H) County to Highway-Commercial (C-H) City and to approve a variance to the City of Valdosta Subdivision Regulations as it pertains to access as requested by Apex Investment Group, Kevin Barker, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-17, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone 3.34 acres from Office-Professional (O-P) Conditional to Office-Professional (O-P) without conditions and a Special Exception to establish a bank as requested by William Langdale, Ameris Bank, and Tim Jones (P. C. File No. VA-2007-17). The property is located at the northwest corner of North Valdosta Road and Country Club Drive. The Planning Commission reviewed this request at their April regular meeting and recommended tabling for one month in order for the engineers to come up with a site-specific plan to address the needs of the applicant as well as the neighbors (8-0 vote).

Mayor Fretti stated that the rezoning request has been dropped and that Council would hear the request for a Special Exception only. Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant has submitted a letter to the Attorney of the neighboring properties along with a list of conditions and an amended Site Plan. The letter is an agreement that the property owners and the applicant reached and includes a revised Site Plan that addresses the concerns presented at the Planning Commission Meeting along with a series of conditions. The applicant is requesting a Special Exception to establish a bank. The property is currently undeveloped and the applicant's request for a Special Exception for a bank is consistent with the surrounding development. The property was originally rezoned in 2000 and at that time there were some conditions placed on the property which pertained primarily to the building footprint size, parking, a 30-foot buffer along the western portion of the property, and a 50-foot buffer along the northern portion of the property. After the Planning Commission Meeting, there were several concerns brought up about the landscaping to be included in the buffer, the aligning of the driveway with Status Drive which is directly east, and the location of the parking and drive-through. Staff felt the proposed use of a bank in an Office-Professional zoning district was consistent with the surrounding properties and zonings. There is Community-Commercial zoning directly across the street and the property is located in a Community Activity Center. Staff felt that the conditions placed on the property would mitigate any negative impacts that the bank may have. The applicant is proposing to subdivide the property so the bank would only take up the eastern portion. Access to the western portion of the property would be through the same access ways as the bank. Staff felt that with the amended conditions and the Special Exception the request would meet both the needs of the applicant and the surrounding property owners. The Planning Commission reviewed this request at their April regular meeting and recommended tabling for one month (8-0) in order for the engineers to come up with a site-specific plan to address the needs of the applicant as well as the neighbors. Mayor Fretti stated that

there were 11 conditions and inquired as to whether Anne-Marie Wolff would be able to police the conditions. Anne-Marie Wolff stated that the conditions would be attached to the building plans that are submitted for the bank and would also be flagged in the system so that at such time the property on the western portion is developed the conditions that are applicable will also apply. The conditions are clear and should be easily enforced. Mayor Fretti inquired as to whether the conditions would apply to the second lot. Anne-Marie Wolff stated that the conditions that are specific for the bank would apply only to the bank.

Bill Langdale, Attorney, 1006 North Patterson Street, spoke in favor of the request. Mr. Langdale stated that he originally filed a request to rezone the property to Office-Professional without exceptions. In 2000, the property was rezoned with conditions. At the same time, Mr. Langdale filed a Special Exception to permit a banking facility to be located on this property. There was discussion with neighbors prior to the Planning Commission Meeting and they felt that by dismissing the rezoning everyone would be happy because there were some conditions on it; however, the conditions were geared toward a medical facility and were not very clear. The neighbors did not understand some of the conditions and were not happy and neither were the applicants because the conditions did not apply to the way the property was intended to be used today. Subsequent to the Planning Commission Meeting, the applicants and neighbors met and the main concerns by the neighbors were the location of the building, where the access off of Country Club would be located, the height of the structure, and buffering. The applicants and the neighbors reached a common ground which is outlined in the following conditions: (1) The driveway accessed from Country Club Road to the subject property will align with the driveway to the accounting firm of Henderson & Godbee, P.C. (2) The Ameris Bank Building (the "Building") will shift southerly towards North Valdosta Road to a point where the southeastern corner of said Building intersects with the approximately 45° setback line which connects with the 70 foot setback line along Country Club Road with the 85 foot setback line along North Valdosta Road. The building setbacks are shown on the Site Plan (Exhibit A-1 – the "Site Plan"). The Site Plan is for illustration of the conditions set out herein and may be modified with final engineering so long as the conditions herein are complied with. (3) Landscaping in 30 foot and 50 foot buffer areas shall include natural growth and evergreen trees shall be planted, if necessary, to create a sight barrier between the subject property and neighboring residential homes. This includes maintenance of the buffers and evergreen trees in the future. (4) Parking shall be permitted on the north of the Building so long as it does not encroach on the 50-foot setback buffer, and east and west of the Building. (5) The trash dumpster shall be permitted on the west side of the Building provided it is not located any further north than as shown on the Site Plan. (6) Any buildings constructed on the property shall not exceed two stories in height, exclusive of any cupola or other rooftop structure. (7) At least 30% green space shall be provided in the development of the property. (8) The building footprint size for the buildings constructed on the property will be limited to a total of 19,000 square feet. (9) Lighting shall be designed so that "spillover" of excess lighting is not detected at the property line. (10) Parking on the property shall be limited to a maximum of 126 spaces. (11) The conditions set out in the July 20, 2000 rezoning of the subject property shall be modified, removed, and replaced with the above conditions. Mr. Langdale asked Council's consideration to approve the Special Exception with the 10 conditions and with the 11th condition to remove the original 5 conditions placed on the property in 2000.

Jim Tunison, Attorney, 101 East Central Avenue, spoke in favor of the request. Mr. Tunison stated that he represented Ray Harris, property owner adjacent to the subject property, Ken Garren, and other residents of the Country Club Estates Subdivision. They were in agreement with the conditions that will apply to the 3.34 acres and asked that Council approve the Special Exception with the listed conditions.

No one spoke in opposition to the request.

A MOTION by Councilman Sumner, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Ordinance No. 2007-17, for a Special Exception to establish a bank with the 10 conditions along with the 11th condition to remove the previous conditions shown by Exhibit A as requested by William Langdale, Ameris Bank, and Tim Jones, the complete text of which will be found in Ordinance Book XI.

REQUEST FOR A SPECIAL EXCEPTION TO ESTABLISH A GROUP DAYCARE DENIED

Consideration of an ordinance for a Special Exception to establish a group daycare as requested by Lillie Hill (P. C. File No. VA-2007-18). The property is located at 927 Ponderosa Drive. The Planning Commission reviewed this request at their April regular meeting and recommended denial (8-0 vote).

**REQUEST FOR A SPECIAL EXCEPTION TO ESTABLISH
A GROUP DAYCARE DENIED (CON'T)**

05/10/07 CONTINUED

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception to establish a group daycare. The property currently contains a site built house which the applicant intends to utilize for the group day care for up to 12 children; however, the applicant will not live in the house. Staff was concerned about the proximity of the adjacent houses as well as the limited size of the property. The required circular driveway and necessary parking would utilize nearly all of the pervious surface area of the yard causing possible issues with storm water runoff. Also, construction of such parking areas would negatively impact the established residential character of the neighborhood. Staff found the request inconsistent with the Comprehensive Plan and recommended denial. The Planning Commission reviewed this request at their April regular meeting and recommended denial of a Special Exception to establish a group daycare (8-0 vote). Anne-Marie Wolff noted that other daycares in the immediate area were located at 916 Ponderosa Drive, 1002 Ponderosa Drive, East Brookwood, and East Jane Street.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Wright, seconded by Councilman Vickers, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and deny the request for a Special Exception to establish a group daycare as requested by Lillie Hill.

ORDINANCE NO. 2007-18, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone 0.34 acres from Single-Family Residential (R-15) to Two-Family Residential (DR-10) to build a duplex as requested by Chadd Mathis (P. C. File No. VA-2007-19). The property is located at 207 Gard Street. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that this property was one of the annexed islands and is the only property on Gard Street that does not have a Two-Family Residential (DR-10) zoning. The applicant is requesting to rezone 0.34 acres from Single-Family Residential (R-15) to Two-Family Residential (DR-10) to build a duplex. The property is currently undeveloped and there is a mixture of zoning classifications in the immediate area. While predominately there are single-family residential houses, there are two newly built duplexes at the end of Gard Street. Also, the lots separating the subject property from the two existing duplexes are zoned DR-10, thus a duplex could be constructed as a matter of right. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this request at their April regular meeting and recommended approval of Two-Family Residential (DR-10) zoning to build a duplex (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Payton, seconded by Councilman Head, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-18, to rezone 0.34 acres from Single-Family Residential (R-15) to Two-Family Residential (DR-10) to build a duplex as requested by Chadd Mathis, the complete text of which will be found in Ordinance Book XI.

**ORDINANCE NO. 2007-19, AN ORDINANCE FOR A SPECIAL EXCEPTION TO PLACE A
MANUFACTURED HOME ON A LOT IN A MULTI-FAMILY RESIDENTIAL (R-6) ZONING
DISTRICT**

Consideration of an ordinance for a Special Exception to place a manufactured home on a lot in a Multi-Family Residential (R-6) zoning district as requested by Chyjuan Locks (P. C. File No. VA-2007-20). The property is located at 115 & 117 Perry Lane. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting a Special Exception to place a manufactured home on a lot in a Multi-Family Residential (R-6) zoning district. The property is currently undeveloped and the applicant intends to place a double-wide manufactured home on the lot. The applicant's request to establish a manufactured home is consistent with the surrounding development in the area. The applicant is aware of the provisions for manufactured home and is prepared to meet each of those provisions. Anne-Marie Wolff stated that she tried to contact the applicant at the request of Council to find out when the home was constructed and to obtain a picture of it but was unable to do so; however, the applicant is in attendance at the Council meeting and should be able to answer that question. Staff found the request consistent with the Comprehensive Plan and recommended approval of a Special Exception to establish a manufactured home. The Planning Commission reviewed this request at their April regular meeting and recommended approval of a Special Exception to place a manufactured home on a lot in a Multi-Family Residential (R-6) zoning district (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

Councilman Vickers stated that he would like to hear from the applicant as to the type of manufactured home that would be placed on the property. Mayor Fretti stated that he would allow the applicant to respond.

Chyjuan Locks, 1710 Dedo Drive, stated that she would be living in the new, double-wide manufactured home.

A **MOTION** was made by Councilman Vickers to follow the recommendation of the Planning Commission and approve the Special Exception to place a manufactured home on a lot in a Multi-Family Residential (R-6) zoning district as requested by Chyjuan Locks. Councilman Head seconded. The motion was adopted (6-1) with Councilman Yost voting in opposition to enact Ordinance No. 2007-19, the complete text of which will be found in Ordinance Book XI.

AN ORDINANCE FOR A SPECIAL EXCEPTION WITHDRAWN

Consideration of an ordinance for a Special Exception as requested by Louvenia Straughter (P. C. No. VA-2007-21).

Mayor Fretti stated that the applicant has withdrawn the request.

ORDINANCE NO. 2007-20, AN ORDINANCE TO EXTEND THE CITY LIMITS, VOTING DISTRICT 4

Consideration of an ordinance to annex and rezone 108 acres from Single-Family Residential (R-10) and General-Commercial (C-G) County to Single-Family Residential (R-10), Community-Commercial (C-C), and Environmental Resource (E-R) City as requested by the City of Valdosta (P. C. File No. VA-2007-22). The property is located on the east side of Bemiss Road, south of Guest Road, and north of Highlands Subdivision. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to annex and rezone 108 acres from Single-Family Residential (R-10) and General-Commercial (C-G) County to Single-Family Residential (R-10), Community-Commercial (C-C), and Environmental Resource (E-R) City. The property is currently undeveloped and a portion of the property will be used for speculative uses with the remaining portion to be used for the expansion of Freedom Park. The northern portion of this property is being gifted to the City of Valdosta, and the southern portion of the property will require City water and sewer services for future development. The proposed zoning classifications are compatible with the property's existing County zoning. Staff found the request consistent with the Comprehensive Plan and recommended approval of annexation and rezoning. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Payton, seconded by Councilman Sumner, was unanimously adopted (7-0) to follow the recommendation of the Planning Commission and enact Ordinance No. 2007-20, to annex and rezone 108 acres from Single-Family Residential (R-10) and General-Commercial (C-G) County to Single-Family Residential (R-10), Community-Commercial (C-C), and Environmental Resource (E-R) City as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-21, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone 0.41 acres from Two-Family Residential (DR-10) to Multi-Family Residential (R-6) as requested by Jon Nijem (P. C. File No. VA-2007-23). The property is located at 1510 Boone Drive. The Planning Commission reviewed this request at their April regular meeting and recommended approval (8-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .41 acres from Two-Family Residential (DR-10) to Multi-Family Residential (R-6). The property currently contains a site-built house which the applicant intends to remove in order to construct a two-story, eight-unit apartment complex. The proposed multi-family use is consistent with the mixture of surrounding land uses. While there are two remaining single-family homes in the immediate area, the property is located within an Institutional Activity Center on the Future Development Map which supports higher density residential uses. The applicant is also planning to appear before the Zoning Board of Appeals to ask for a variance to the density requirement and to the side-yard setback requirements. The applicant is proposing to construct the apartment building so that it has the same appearance as Little Jo Court but it would not have direct access to Little Jo Court. Staff found the request consistent with the Comprehensive Plan and recommended approval; however, Staff was concerned about the proposed density (eight units) and the required parking spaces and felt that six units may be more appropriate for the lot due to its size. The Planning Commission reviewed this request at their April regular meeting and recommended approval of Multi-Family Residential (R-6) zoning (8-0 vote).

Jon Nijem, 8428 Coffee Road, spoke in favor of the request. Mr. Nijem asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Eunice to follow the recommendation of the Planning Commission to rezone 0.41 acres from Two-Family Residential (DR-10) to Multi-Family Residential (R-6) as requested by Jon Nijem. Councilman Sumner seconded the motion. The motion was adopted (6-1) with Councilman Yost voting in opposition to enact Ordinance No. 2007-21, the complete text of which will be found in Ordinance Book XI.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for the Municipal Court parking lot on Briggs Street. Mayor/Council postponed this request at the April 19, 2007 regular Council Meeting.

Von Shipman, City Engineer, stated that the Municipal Court facility at the corner of Oak Street and Hill Avenue is in need of additional parking spaces. The parking plan will create 90 parking spaces adjacent to Briggs Street. Also included in the project are the reconstruction of Briggs Street and its connection to Savannah Avenue and the acquisition of property and demolition of a vacant building. Three bids were received on April 23, 2007 with the low bid submitted by Rountree Construction in the amount of \$240,031.15. The Engineering Department estimated the project would cost \$243,392.00. There may be additional costs of approximately \$50,000 which is dependant upon whether the parking lot is shifted to where new property may be acquired. The additional costs would include grading issues, retaining wall issues, and demolition of a building that is on the property. Von Shipman recommended that Council approve the low bid was submitted by Rountree Construction in the amount of \$240,031.15 plus a 5% contingency.

Larry Hanson stated that the purchase of an additional piece of real estate would be discussed in Executive Session but it does offer an opportunity to add 53 additional spaces. Larry Hanson recommended that Council accept the low bid with a 5% contingency and then have an additional 10% contingency provided that the City is able to arrive at terms with the owner on the other piece of property so that a Change Order can be generated.

A **MOTION** by Councilman Head, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the low bid submitted by Rountree Construction in the amount of \$240,031.15 plus a 5% contingency property for the Municipal Court parking lot on Briggs Street and to approve an additional 10% contingency which is dependent upon the City acquiring the other piece of property.

LOCAL FUNDING AND REQUESTS

Consideration of a request to appeal the denial of an application by the Historic Preservation Commission for a duplex with vinyl siding and the driveway and parking to be located in front of the building at 415 East Magnolia Street.

Emily Foster, Historic Preservation Manager, stated that the Historic Preservation Commission denied the application request for a duplex with vinyl siding and the driveway and parking to be located in front of the building at 415 East Magnolia Street for the following reasons: (1) The use of vinyl siding was found to be contradictory to the Valdosta Design Guidelines which state that materials for new construction should be compatible with historic materials and that exterior siding materials for frame building should be of weatherboard, clapboard, or shiplap siding. Artificial sidings such as vinyl and waterproofed reinforced polyester stucco are discouraged. (2) The design and style of duplexes was found to be incompatible with the historic character of the East End Historic District which is mostly Victorian architectural style. (3) The location of the driveway and parking was found to be inconsistent with the historic residential parking arrangements as noted in the Valdosta Design Guidelines. Councilman Head stated that there appears to be a Habitat for Humanity house constructed with vinyl siding such as the applicant is proposing in that area. Ms. Foster stated that the Historic Preservation Commission has made exceptions for Habitat for Humanity houses to have vinyl siding because they are a "not-for-profit" organization and it assists in affordable housing in the region. Councilman Head stated that it is contradictory for Habitat for Humanity to be allowed vinyl siding simply because they are a non-profit organization. The proposed site had an older structure located on it and unfortunately a large number of structures appear to be substandard. This appears to be another case where the City applies historical rules but it is hard to find structures that are of historical significance in that area. Councilman Head stated that he was opposed to the denial and the rules need to be reviewed. Mayor Fretti stated that the City will be reviewing the districts and if it is determined that some are not quite as historic but may be an overreaching area, then the City should then consider whether Habitat for Humanity houses should be allowed in a historic district. Councilman Sumner stated that the historic district, whether non-profit or not, should follow the Historic District guidelines. Councilman Head stated that there are many structures in the Historic District that are not historic and we are putting an undue burden on people who are looking for and or who have a place to live but are trying to repair it and are being held to the Historic District Guidelines. Councilman Head asked that Council be mindful of that and stated that he would like to see that changed and not use a blanket approach in the future. Councilman Wright stated that the development standards currently in place encourage affordable housing in areas that do not need them and in areas that do need them it discourages them. This is clearly an area where some affordable housing is needed because of all of the substandard properties. Councilman Vickers stated that he was on Council when the Guidelines were put into place and this was the biggest mistake that they made because they followed the recommendation that this was something new to the Planning Commission. If Council had known then what they know now then the Historic District would not be as it is now. Affordable housing is needed in that area and we cannot continue down this road for Districts 1, 2, and 3. Houses in these districts that some consider historical are shotgun houses to those who live there. Mayor Fretti stated that Council will be looking at hiring a consultant for updating the Valdosta Land Development Regulations and a major component of that is the Historic Preservation District. Councilman Head asked that Council be cautious of the fact that when Habitat for Humanity builds a house it is constructed on any site they can find and it may very well be next door or down the street from a historical structure. George Talley, City Attorney, stated that the ordinance requires that each piece of property in the Historic District be evaluated and placed on a scale as to whether it is significantly historic and on down. This has never been done and that is part of the problem with the application of this ordinance. Everything in the historic district is considered historically significant and that is not true.

The applicant was not present to speak in favor of the request.

A **MOTION** by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the appeal and overrule the denial of an application by the Historic Preservation Commission for a duplex with vinyl siding and the driveway and parking to be located in front of the building at 415 East Magnolia Street.

RESOLUTION NO. 2007-12, A RESOLUTION TO APPLY FOR GRANT FUNDS FOR THE H.E.A.T. PROGRAM FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY

Consideration of a request to apply for grant funds for the H.E.A.T. Program from the Governor's Office of Highway Safety.

Capt. Lonnie Robinson, stated that the Governor's Office of Highway Safety has a funding initiative to help improve the safety of Georgia roads by reducing crashes, injuries, and fatalities. Under the 2008 program cycle, there is a general application that allows for several different types of programs and the H.E.A.T. grant falls under this category. The City was awarded funding under the 2007 grant cycle to establish a H.E.A.T. unit. The City is requesting funding from the Governor's Office of Highway Safety to continue in this three-year program. The first year funding was at the level of 100% for two Police Officers and the City provided funds for one of the H.E.A.T. Officers. Since this is a two-year program, the City must reapply annually. Capt. Robinson asked for Council's consideration in approving the request to apply for second year grant funds and provide the 20% match which will come from the Police Department's budget. Larry Hanson, City Manager, stated that the grant would fund year two at the 80% level and year three at the 60% level. This will provide the City with an opportunity to have the State help participate in funding the cost of two Officers over a three-year period.

A **MOTION** by Councilman Sumner, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Resolution No. 2007-12, a resolution to apply for grant funds for the H.E.A.T. Program from the Governor's Office of Highway Safety, the complete text of which will be found in Resolution Book IV.

Consideration of a request to apply for grant funds for the Traffic Enforcement Network Program from the Governor's Office of Highway Safety.

Capt. Lonnie Robinson stated that the Governor's Office of Highway Safety has a funding initiative to help improve the safety of Georgia roads by reducing crashes, injuries, and fatalities. Under the 2008 program cycle, there is a Traffic Enforcement Network application that is available to each of the 16 approved units within the State of Georgia. The City is requesting funding from the Governor's Office of Highway Safety (GOHS) in the amount of \$15,000 to continue these efforts. Funds from this grant would be divided equally between the Traffic Network and the Valdosta Police Department. Grant funds would be used to purchase items used by the Traffic Network and Police Department for traffic enforcement activities and for maintaining the South Georgia Traffic Enforcement Network. The City will use \$7,500 of the total funding for equipment purchases/incentive items per GOHS requirements for law enforcement agencies participating in the Traffic Network. The remaining \$7,500 will be used by the Valdosta Police Department to purchase equipment for traffic enforcement/education. There is no required match for the program. Capt. Robinson recommended that Council approve the request to apply for grant funds for the Traffic Enforcement Network Program from the Governor's Office of Highway Safety. Larry Hanson, City Manager, stated that the primary use of funds will be to purchase a piece of software that has a graphics package. This software will allow the Traffic Officers in the field investigating accidents to draw a diagram of the accident scene on their mobile data computer which is something they cannot currently do. The software package will improve efficiency and accuracy.

A **MOTION** by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (7-0) to apply for grant funds for the Traffic Enforcement Network Program from the Governor's Office of Highway Safety.

RESOLUTION NO. 2007-13, A RESOLUTION TO APPLY FOR GRANT FUNDS FROM THE GEORGIA LAND CONSERVATION PROGRAM FOR THE PURCHASE OF PROPERTY

Consideration of a request to apply for grant funds from the Georgia Land Conservation Program for the

purchase of property.

Eric Hahn, Interim Director of Parks and Recreation, stated that the property at the corner of Gornto Road and Jerry Jones has been discussed for several years as a possible park area. The biggest obstacle to the acquisition of the property is that the owner wants to be sure that the property will be protected from development in perpetuity. The use of grant funds to purchase the property necessitates a deed restriction that will require the land to remain in conservation. At the advice of the Program Manager of the Georgia Land Conservation Program, this property is being included in a much bigger project that will eventually create a corridor of protected land, or a greenway, along the Withlacoochee River and Two Mile Branch. By doing this, any land gifts such as the Mill Pond and another parcel that is expected to be given to the City can be used to leverage additional funds from the Land Conservation Program. The match required to use Land Conservation Funds to purchase this property at the agreed upon selling price of \$1,500,000 is \$450,000. If the value of the Mill Pond can be used as part of the match, a remainder of \$170,000 cash match will be required in addition to the value of the Mill Pond. In the event that the value of the Mill Pond cannot be used as a part of the match, the entire 30% match of \$450,000 will be needed in the form of a cash match. Eric Hahn recommended that Council adopt a resolution and authorize the Mayor to sign the application seeking Georgia Land Conservation Program funding and the commitment of the required match.

A MOTION by Councilman Sumner, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Resolution No. 2007-13, a resolution to apply for grant funds from the Georgia Land Conservation Program for the purchase of property, the complete text of which will be found in Resolution Book IV.

Consideration of a request for funds from the Mayor/Council Contingency Fund to purchase a full page advertisement in the Georgia Trend Magazine.

Larry Hanson, City Manager, stated that a crucial component of a community's economic development effort is marketing the community to key leaders across the state. Every two years, Georgia Trend Magazine features Valdosta-Lowndes County in a special section and provides insightful articles that highlight the qualities that make Valdosta a prime place to live and work. The spotlight on Valdosta-Lowndes County will appear in the June, 2007 issue. Future funds for this advertisement will be placed in the budget so that it will not come out of the Contingency Fund. The discounted, full-page advertisement will cost \$7,802.40. Larry Hanson recommended that Council approve the request for \$7,802.40 from the Mayor/Council Contingency Fund to purchase a full-page advertisement in the Georgia Trend Magazine.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to approve the request for \$7,802.40 from the Mayor/Council Contingency Fund to purchase a full-page advertisement in the Georgia Trend Magazine.

Consideration of a request to approve the selection of a consultant for updating the City of Valdosta's Land Development Regulations.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the City's original Land Development Regulations were adopted in the early 1960s with several piecemealed amendments and additions made throughout the years. The Council's recent adoption of the Greater Lowndes 2030 Comprehensive Plan serves as a solid foundation for the establishment of land development documents to aid in implementing many of the Plan's goals and policies. As the City continues to grow, establishment of more streamlined processes will increase efficiency and effectiveness of development review and enforcement. The proposed update of the Land Development Regulations coincides with the City's update of its website as well as its software system and creates several opportunities for time-saving, web-based review processes. Collectively, these projects will allow for more comprehensive review, shorter review times, and greater customer service. The update will include the City's Zoning Ordinance, Subdivision Regulations, Sign Regulations, Historic Preservation Guidelines, permitting process, subdivision filing process, consistency with other City codes, and other land-use and development related permits and regulations. A Consultant Selection Team was established with the following members: (1) Mayor John Fretti (2) Tim Carroll, Planning Commission/Citizen, (3) Mike Martin, Director of Inspections, (4) Mara Register, Community Development Director, (5) Von Shipman, City Engineer, and (6) Anne-Marie Wolff, Planning and Zoning Administrator. Four firms were selected for interviews and following these interviews, the

Consultant Selection Team recommended the selection of Jordan, Jones, and Goulding (JJ&G). The Selection Team was confident JJ&G understood the overall vision of the City and well represents the image the City desires for this process. JJ&G brings the required diversity of planning and land use regulation experience as well as historic preservation and engineering backgrounds. JJ&G's proposal included a heavy concentration on citizen feedback and participation throughout the process as well as regular involvement from the various stakeholder groups. The proposal also includes a 17-month time frame at a cost not to exceed \$247,490. In order to ensure the legality of the updated Land Development Regulations, involvement from a highly-qualified land-use attorney is critical to the success of this project. At this time, a specific attorney has not been selected; however, the Consultant Selection Team is confident that the cost for legal services will not exceed \$50,000. A 10% contingency is also requested should the need arise during the update process. With the timing of this project, the cost may be divided into three phases to include the current budget year, FY08, and FY09 which will minimize the overall budget impact. The total cost for the update of the Land Development Regulations, necessary legal services, and a 10% contingency is \$327,239. Anne-Marie Wolff recommended that Council approve the selection of Jordan, Jones, and Goulding at the bid price not to exceed \$247,490, approve the selection of a qualified land use attorney which is to be determined at a price not to exceed \$50,000, and approve a 10% contingency for a total project cost of \$327,239.

A MOTION by Councilman Yost, seconded by Councilman Head, was unanimously adopted (7-0) to approve the selection of Jordan, Jones, and Goulding at the bid price not to exceed \$247,490, approve the selection of a qualified land use attorney which is to be determined at a price not to exceed \$50,000, and approve a 10% contingency for a total project cost of \$327,239.

Consideration of a temporary moratorium on permits for billboards.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that with the update of the Land Development Regulations, the Sign Regulations will also be reviewed and updated. The billboard industry has had so many changing trends that the City's ordinances are unable to keep up; therefore, a request has been made for a temporary moratorium on permits for billboards until September 1, 2007. This will provide an opportunity for the City to be sure that everything is documented so that billboards can be effectively regulated and communication with the billboard industry is clearer. Mayor Fretti inquired as to what would happen to any pending billboard applications if the moratorium was passed. Anne-Marie Wolff stated that they were no pending applications for billboards. Larry Hanson, City Manager, stated that the City presently has two lawsuits involving the Sign Ordinance related to billboards. There is case law which gives government some latitude when you may have some legal issues with the ordinance. In preparation for this, on May 2, 2007, Larry Hanson issued an administrative temporary moratorium until this meeting was held so Council is temporarily enacting this moratorium and carrying it forward until September 1, 2007. At the time the temporary moratorium was put into place, there was one pending application in the file and the City approved that application. Mayor Fretti stated that the City would be soliciting the expertise of JJ&G to assist with reviewing the Sign Regulations as it pertains to billboards. Larry Hanson stated that we would be asking JJ&G to review the billboard regulations first and will also include the sign industry and other stakeholders in the process. The new ordinance will be brought before Council in August, 2007 which will require two readings and then adopted within the September 1, 2007 timeline. Councilman Sumner stated that even though there are two pending billboard lawsuits, regardless of what the City does as far as a moratorium, whatever the court upholds is what the courts are going to do and anything the City does as far as a moratorium or changes after that point is really not in the City's control but is in control of the courts. Larry Hanson stated that they would base it on is the ordinance that was in effect at the time that the lawsuits were filed. The City is trying to prevent any more lawsuits and that is the purpose of the moratorium. We are not saying that the ordinance is not legal but we have two legal challenges on it.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (7-0) to approve a temporary moratorium on permits for billboards.

BOARDS AND COMMISSIONS

Consideration of an appointment to the Valdosta-Lowndes County Construction Appeals Board.

Larry Hanson, City Manager, informed Council that the term for Jimmy Cone will expire on June 30, 2007. Mr. Cone is willing to serve again. The Valdosta-Lowndes County Construction Appeals Board submitted the following names in order of preference: (1) Jimmy Cone – CMA Architectural Services, (2) John P. Daniels, Jr. – CMA Architectural Services, and (3) David Kirk – Ellis, Ricket & Associates. Councilman Vickers inquired as to whether the Construction Appeals Board was Countywide. Larry Hanson stated that the appointments are divided between the City and the County. Councilman Vickers inquired as to how the requirement for living in the City is addressed for this Board. Larry Hanson stated that this is one of two Boards that the requirement was waived because there are a limited number of people to choose from.

Mayor Fretti asked for nominations. Councilman Head placed in consideration the name of Jimmy Cone. There being no other nominations, Jimmy Cone was reappointed by acclamation to serve a term of three years on the Valdosta-Lowndes County Construction Appeals Board.

Consideration of an appointment to the Valdosta-Lowndes County Airport Authority.

Larry Hanson, City Manager, informed Council that the term for Tom Call will expire on May 21, 2007. Mr. Call is willing to serve again. The Valdosta-Lowndes County Airport Authority submitted the following names for consideration: (1) Thomas B. Call, Jr. – President and Co-Owner of Coldwell Banker Premier Real Estate, (2) Norman F. Conant, Jr. – former Owner and Manager of Holland Flying Service, and (3) Jane Shelton – Owner and Manager of South Georgia Travel.

Mayor Fretti asked for nominations. Councilman Eunice placed in consideration the name of Tom Call. Councilman Payton placed in consideration the name of Jane Shelton. There being no other nominations, Mayor Fretti closed nominations. Tom Call received three votes and Jane Shelton received four votes. Jane Shelton was appointed to serve a term of four years on the Valdosta-Lowndes County Airport Authority.

Consideration of an appointment to the Valdosta-Lowndes County Zoning Board of Appeals and increase the size of the Board.

Larry Hanson, City Manager, stated that in 2004, several changes were made to eliminate joint appointments and this is the only Board that has a remaining joint appointment. The last time the joint appointment was made, which is required to be an attorney, the City initiated the appointment of Steve Gupton and the County concurred with it. Steve Gupton has served several terms and does not want to be re-appointed. The County is in agreement of adding one member, eliminating the joint appointment and having a new City slot and County slot, and having the attorney slot rotate. The County has asked that they make the attorney appointment this time since the City initiated it last time and the City will make the new appointment. The attorney appointment will rotate every three years so the City will make the next attorney appointment. Larry Hanson recommended that Council approve the increase in the size of the Valdosta-Lowndes County Zoning Board of Appeals and postpone making an appointment in order to bring three names for consideration at the Council meeting.

A MOTION by Councilman Sumner, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve an increase in the size of the Valdosta-Lowndes County Zoning Board of Appeals, approve a new position which is a non-attorney slot, and postpone the appointment for the new position until the May 24, 2007.

Councilman Head left the Council meeting at 6:55 p.m.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that at the Great American Cleanup that was held recently, they collected 4,700 lbs (2.3 tons of yard trash), 56,900 lbs of junk and debris (28 tons), 13 appliances, and 214 tires from that area of the City.

Larry Hanson, City Manager, stated that the Hospital Authority will hold the annual City/County breakfast on Thursday, May 24, 2007 at 7:30 a.m. at South Georgia Medical Center. Also, the Regional Development Center's Legislative Appreciation Dinner will be held on Thursday, May 17, 2007 at 5:00 p.m. in Adel and Mayor and Council are invited to attend.

Larry Hanson, City Manager, stated that there will be a special announcement on May 16, 2007 at 11:30 a.m. regarding Project Potato at Exit 13, and another announcement on May 24, 2007 at 2:00 p.m. at the City Hall Annex Building regarding Project Sprinkler.

Larry Hanson, City Manager, stated that Budget Hearings will be held on Tuesday, May 29 and Wednesday, May 30 beginning at 5:00 p.m. with dinner and the hearings will follow at 5:30 p.m.

Larry Hanson, City Manager, stated that he has been working with Parker Greene on dates for the City's annual trip to Washington, D.C. They received some correspondence from the Pentagon this week and the date for consideration is anytime the week of July 8, 2007.

COUNCIL COMMENTS

Mayor Fretti thanked Sementha Mathews, Public Information Officer, for her efforts in assisting CGI with filming in the community for two days.

ADJOURNMENT

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

A MOTION by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the May 10, 2007 meeting of the Valdosta City Council at 7:04 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:43 p.m. and stated that there was no action necessary in relation to the discussion of real estate and litigation in Executive Session.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Payton was unanimously adopted (6-0) to adjourn the May 10, 2007 meeting of the Valdosta City Council at 7:43 p.m. to meet again in regular session on Thursday, May 24, 2007.

City Clerk, City of Valdosta

Mayor, City of Valdosta