

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JUNE 5, 2014
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Robert Yost, Sandra Tooley, and James Wright. Tim Tanner, Attorney with Coleman-Talley, LLP, filled in for George Talley, City Attorney, who was absent. The invocation was given by Pastor Chuck Sayers, New Covenant Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE JUNE, 2014 EMPLOYEE OF THE MONTH AWARD

Consideration of the June, 2014 Employee of the Month Award (Feretz Berrian, James Brown, and Ronnie Lancaster, Utilities Department).

Henry Hicks, Utilities Director, stated that Feretz Berrian began his employment with the City Utilities Department in July, 1995 as a Laborer and is currently a Supervisor. James Brown began his employment with the Utilities Department in May, 1994 as a Utility Service Worker and is currently a Crewleader. Ronnie Lancaster began his employment with the Utilities Department in May, 1998 as a Utility Service Worker which is the position he currently holds. During the recent Good Friday holiday weekend, the Valdosta area was inundated with over four inches of rain. The impact of inflow and infiltration of stormwater into the wastewater collection system caused manhole overflows in several areas. In addition to decisively handling the demanding tasks associated with each overflow, Feretz, James, and Ronnie expertly navigated through numerous challenges related to downed trees and a lift station power outage. While remaining steadfast in their resolve to respond to each and every challenge which included residential sewer backups and sewer spills, these three men quickly responded to the continuous onslaught of flooding issues throughout the City. During these trying times, Feretz, James, and Ronnie stepped up and worked diligently around the clock to ensure every call was swiftly addressed. While working more than 15 hours on Friday and Saturday, these men sacrificed valuable time away from their families on Easter Sunday remediating numerous spill sites. Their selfless efforts ensured that the affected residents at these locations could enjoy the holiday with their families. Given their non-stop efforts and unwavering dedication to the City during this hectic event, these individuals are certainly worthy of special recognition. For these reasons and many others, the Employee Relations Committee nominated Feretz Berrian, James Brown, and Ronnie Lancaster as Employees of the Month.

APPROVAL OF MINUTES

The minutes of the May 8, 2014 Regular Meeting were approved by unanimous consent (7-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2014-7, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A DAYCARE CENTER IN OFFICE-PROFESSIONAL (O-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a daycare center in Office-Professional (O-P) zoning district as requested by Melanie Ramsey (File No. CU-2014-04). The property is located at 500 East Alden Avenue. The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval with four conditions (6-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Melanie Ramsey is requesting a Conditional Use Permit (CUP) for a daycare center in an Office-Professional (O-P) zoning district. The property consists of

0.46 acres and is located at 500 East Alden Avenue. This is at the northeast corner of East Alden Avenue and Marion Street. The property contains a former residential building (1,756 square feet) that was converted to a professional office many years ago. It was most recently occupied by the "Triad Isotopes" medical office/laboratory. The applicant is proposing to convert the facility for use as a daycare with 18 children, most of whom are planned to be transported to/from the facility by private bus. The property is located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan. The property is located between an older well-established neighborhood to the east, and the commercial corridor along North Ashley Street one block to the west. It is this "in-between" area along Marion Street, running parallel to North Ashley, that the land use pattern is mixed with both single-family and multi-family residential, a few offices, and the back side of commercial development facing Ashley Street. The property was rezoned to O-P many years ago as a conversion of the existing house to professional office and this use seems to fit in very well with the surrounding and nearby development patterns. The property itself seems very well laid out for being a daycare. The corner lot with the building in the front and a one-way looping parking lot will easily facilitate drop-off and pick-up. The applicant is proposing a medium-sized daycare center with up to 18 children which is the maximum that can be requested in O-P zoning. There are supplemental standards in the Land Development Regulations (LDR) which apply to daycares and these include a requirement that any such facility with more than 12 children must have access to a collector or arterial street. Both Marion Street and East Alden Avenue are local streets, and the applicant is simultaneously applying to the Zoning Board of Appeals (ZBOA) for a Variance from this requirement (File No. APP-2014-05). The applicant is proposing to comply with all other supplemental standards, and the applicant's proposal to transport most of the children via private bus will greatly diminish any traffic associated with the use. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions: (1) Conditional Use approval shall be granted for a daycare facility with a maximum of 18 children or as otherwise approved by the ZBOA. (2) In lieu of a buffer yard, install a minimum 6' solid fence along the eastern property line in accordance with LDR requirements for fencing. (3) Either maintain the existing vegetation and solid fence along the northern property line, or replace it with a minimum 10' wide transitional buffer with solid fence in accordance with LDR requirements and an approved Landscape Plan. (4) Conditional Use approval shall expire after two years if no Business License for the proposed facility is applied for by that date. The Planning Commission reviewed this at their May 27, 2014 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions (6-0 vote): (1) Conditional Use approval shall be granted for a daycare facility with a maximum of 18 children or as otherwise approved by the ZBOA. (2) In lieu of a buffer yard, install a minimum 6' solid fence along the eastern property line in accordance with LDR requirements for fencing. (3) Either maintain the existing vegetation and solid fence along the northern property line, or replace it with a minimum 10' wide transitional buffer with solid fence in accordance with LDR requirements and an approved Landscape Plan. (4) Conditional Use approval shall expire after two years if no Business License for the proposed facility is applied for by that date.

Melanie Ramsey, 917 Worth Avenue, spoke in favor of the request. Ms. Ramsey stated that her goal and passion is to provide a loving, caring, safe, and educational atmosphere for the children within the parameters of the facility and the neighborhood. Councilman Vickers inquired as to whether Ms. Ramsey had come before Council with a daycare request. Ms. Ramsey stated that she had not.

No one spoke in opposition to the request.

A MOTION was made by Councilwoman Tooley to approve the request for a Conditional Use Permit to allow a daycare center in Office-Professional (O-P) zoning district as requested by Melanie Ramsey with the following conditions: (1) Conditional Use approval shall be granted for a daycare facility with a maximum of 18 children or as otherwise approved by the ZBOA. (2) In lieu of a buffer yard, install a minimum 6' solid fence along the eastern property line in accordance with LDR requirements for fencing. (3) Either maintain the existing vegetation and solid fence along the northern property line, or replace it with a minimum 10' wide transitional buffer with solid fence in accordance with LDR requirements and an approved Landscape Plan. (4) Conditional Use approval shall expire after two years if no Business License for the proposed facility is applied for by that date. Councilman Wright seconded the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2014-7, the complete text of which will be found in Ordinance Book XIII.

ORDINANCE NO. 2014-8, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A FRATERNITY HOUSE IN AN OFFICE-PROFESSIONAL (O-P) ZONING DISTRICT

06/05/14 CONTINUED

Consideration of an Ordinance for a Conditional Use Permit to allow a Fraternity House in an Office-Professional zoning district as requested by Phi Sigma Kappa (File No. CU-2014-05). The property is located at 410 Baytree Road. The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval with three conditions (6-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Phi Sigma Kappa fraternity is requesting a Conditional Use Permit (CUP) for a Fraternity House in an Office-Professional (O-P) zoning district. The property consists of 0.57 acres and is located at 410 Baytree Road. This is along the north side of the street, approximately 1,000 feet west of the intersection with Azalea Drive, and directly across from the Valdosta State University (VSU) P. E. Complex. The property contains an existing single-family residence (3,800 square feet) which was occupied by the Kappa Sigma fraternity up until August, 2013. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within the Residential Parking Overlay District of the LDR. Prior to the LDR, Fraternity Houses were allowed as a permitted use in O-P zoning so long as it was adjacent to the VSU campus. With the adoption of the LDR, a CUP is now required. The previous Fraternity became a legal nonconforming use in O-P zoning and it was grandfathered-in for many years; however, since the previous Fraternity has been gone now for more than six months, the property has lost its grandfathering status as a Fraternity. Therefore, a CUP approval is required for this Fraternity to locate on the subject property. In addition to a CUP, a Fraternity's location must also be eligible based on the LDR map that was agreed upon by the City and VSU. The property is eligible based on this map. It is directly across from the campus and is situated between two existing Fraternal Organizations along Baytree Road. There are no proposed expansions or changes to the existing building other than perhaps some minor repairs/renovations. This property has been used as a Fraternity House for many years and it is still ideally situated. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions: (1) Conditional Use approval shall be granted for a Fraternal Organization for the existing building only. Any expansions to the building or major changes to the site will require re-review of the CUP. The property shall maintain compliance with the provisions of the City's Residential Parking Overlay District. (2) The existing dense vegetative buffer and fence shall be maintained along the property's northern property line. (3) Conditional Use approval shall expire after two years if the facility is not occupied and operating by that date. The Planning Commission reviewed this at their May 27, 2014 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions (6-0 vote): (1) Conditional Use approval shall be granted for a Fraternal Organization for the existing building only. Any expansions to the building or major changes to the site will require re-review of the CUP. The property shall maintain compliance with the provisions of the City's Residential Parking Overlay District. (2) The existing dense vegetative buffer and fence shall be maintained along the property's northern property line. (3) Conditional Use approval shall expire after two years if the facility is not occupied and operating by that date.

Jordan Lee, 3449 Drayton Circle, spoke in favor of the request. Mr. Lee stated that he was the President of the Fraternity and asked Council's consideration in approving the request.

No one spoke in opposition to the request.

A MOTION was made by Councilwoman Tooley to approve the request for a Conditional Use Permit to allow a Fraternity House in an Office-Professional zoning district as requested by Phi Sigma Kappa with the following conditions: (1) Conditional Use approval shall be granted for a Fraternal Organization for the existing building only. Any expansions to the building or major changes to the site will require re-review of the CUP. The property shall maintain compliance with the provisions of the City's Residential Parking Overlay District. (2) The existing dense vegetative buffer and fence shall be maintained along the property's northern property line. (3) Conditional Use approval shall expire after two years if the facility is not occupied and operating by that date. Councilman Norton seconded the request. Councilman Yost stated that he was going to vote against the request because he believed that the City needs to take back that portion of Baytree Road. The Fraternities that are currently there are fine and he has no problem with this Fraternity; however, he felt that they need to put the Fraternities in the new designated area for Fraternities and Sororities. This is not best suited for Baytree Road or

the neighbors who live behind it. The motion was adopted (6-1) with Councilman Yost voting in opposition to enact Ordinance No. 2014-8, the complete text of which will be found in Ordinance Book XIII.

ORDINANCE NO. 2014-9, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance for a Planned Development to allow for a mixed commercial/office development in Neighborhood-Commercial (C-N) zoning as requested by Doug Carter (File No. VA-2014-03). The property is located at 1420 Gornto Road. The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval with 11 conditions (5-1 vote).

Matt Martin, Planning and Zoning Administrator, stated that Doug Carter is requesting Planned Development approval for a mixed commercial/office development in Neighborhood-Commercial (C-N) zoning. The property consists of 3.44 acres and is located at 1420 Gornto Road. This is along the south side of the road, immediately east of the Norfolk-Southern railroad, and is situated approximately 350 feet south along an access easement from the Gornto Road right-of-way. The property is currently occupied by an antiques and novelties store (The Squirrel's Nest) in the northern building, with warehousing and storage in the southern building. The applicant is proposing to continue redeveloping the property as a mixture of several related businesses that utilize both buildings for retail display and storage, as well outdoor display and storage of merchandise, and also a professional interior decorator's office. The property is located within a Parks/Recreation/Conservation (PRC) Character Area on the Future Development Map of the Comprehensive Plan. It is also located entirely within either the floodway or the 100-year floodplain of Sugar Creek. This property was formerly a Lowndes County unincorporated island. It was previously used by electrical and plumbing contractors with their offices, warehousing, and storage yards. The property was annexed into the City in 2006. It was zoned C-N in the County and was given the City's C-N zoning upon annexation. The property is unusual in that it has always been a series of landlocked parcels with its only means of access being a gravel driveway running along the side of the railroad right-of-way to Gornto Road. This driveway is in the form of an old recorded access easement (20' wide) that is actually on other private property. The property is very much secluded in that it is situated more than 300 feet south of Gornto Road, behind other commercial development, and is completely shielded from view by existing buildings and trees. It is bordered on the west by the Norfolk Southern railroad which sits at higher elevation and effectively separates it from the New Wood Valley subdivision and an electrical substation. It is bordered on the east by Sugar Creek and City-owned property which is heavily wooded and effectively separates it from the Dellwood Acres subdivision. Given this seclusion and its very poor means of access to Gornto Road, the property is not well-suited for conventional commercial development. Also, given the environmental constraints of the Sugar Creek floodplain and its required stream buffers and the resulting narrow configuration of the land, most any form of conventional development on this property would be difficult. With the existing zoning and the two commercial buildings, continued usability of the property has been preserved (grandfathered) and the question simply becomes, "In what manner should any redevelopment on this property take place?" Planned Development Approvals are reviewed and considered in much the same way as a Conditional Use. There is no zoning change to the property and the applicant would be free at any time to develop the property in accordance with the underlying Zoning District and other regulations; however, Planned Development approvals allow for some flexibility in layout design and development standards particularly when the property is difficult to develop by purely conventional means. Pursuant to the LDR, there is a list of potential deviations. In this case, the applicant is proposing to keep the property in a generally "as is" condition with no significant changes to the property's access or general site layout. The existing buildings will be kept and renovated to light commercial and office use in addition to their existing warehousing type usage. Building C has a large covered porch area on the rear side that is currently used for outdoor storage. This is proposed to be enclosed as part of the building. The area between the buildings is proposed for outdoor display of merchandise, while most of the area behind the buildings is proposed for outdoor storage that is fenced-in. A new parking area is proposed to the south of Building C to accommodate this building being used for retail and office/design studio. The existing storage trailers on the southern end of the property are proposed to remain. The applicant is also proposing to utilize expanded gravel driveway and both gravel and grassed parking in an effort to minimize stormwater runoff. In summary, the property has a lot of issues that make it challenging to develop or redevelop properly, and all of these need to be addressed in a coordinated way. Unfortunately, the applicant has already started redeveloping this property without securing all the necessary approvals and permits. It is imperative that these be expeditiously resolved. The formal Planned Development

review was deemed to be the most effective way to begin this process. Staff is supportive of the proposed concept for this property and believes it is a logical proposal for the continued use and infill redevelopment of a difficult property; however, because of these difficulties and the properties past history, there are numerous details that need to be addressed. Many of these are reflected in the condition statements below. The most important of these is the need for the property and its approved master plan to simply go through the standard development review process and receive proper permitting. Staff found the request consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval with the following conditions: (1) Approval shall be granted for a mixed commercial/office development in general accordance with the approved conceptual master plan as restricted or amended through these conditions. The development shall consist of existing and/or other buildings that do not cumulatively exceed 15,000 square feet. Approved uses within the development shall include all forms of non-medical professional office, furniture or home furnishings store, used merchandise store, art gallery/studio or art store, gift or hobby/novelty store, warehousing/storage for the approved businesses only, and outdoor display or storage of weather-durable merchandise in areas as depicted on the approved master plan. Driveways and parking areas within the site may be unpaved and shall adequately support the weight of emergency vehicles in accordance with the Fire Code. The unpaved surfaces shall be properly maintained to the satisfaction of the City Engineer and Fire Marshal. (2) Combine the existing four parcels into one platted and recorded parcel of land. (3) All new buildings or building expansion/enclosures constructed on the site shall comply with applicable FEMA guidelines and requirements. (4) All buildings on the property shall be properly connected to the City's water and sanitary sewer system. Connections shall include at least one internal fire hydrant that meets Fire Code requirements. (5) Upgrade the existing main driveway to better allow for two-way traffic flow and support the weight of emergency vehicles, and provide a proper turnaround as approved by the Fire Marshal. Install a proper driveway apron and entrance connection at Gornto Road (in the right-of-way) as approved by the City Engineer. (6) Maintain the existing natural vegetation at the southern end of the property as shown on the approved master plan, as well as the existing trees and other vegetation along the northern property line. Restore the required vegetative Stream Buffers along Sugar Creek with natural vegetation in accordance with an approved landscape plan. The development shall be exempt from all other internal landscaping requirements. (7) Outdoor storage trailers shall be limited to the six existing trailers and their freestanding loading dock in the southern portion of the property as depicted on the approved master plan. This dock shall be properly inspected and altered if necessary to ensure compliance with all applicable building and life safety codes. (8) Dumpsters or other refuse containers shall be located in an area that is properly accessible to sanitation vehicles, and shall not negatively impact Sugar Creek. Outside accumulation of trash or debris shall not be allowed and all non-buffer grassed areas shall be kept mowed. (9) Signage on the subject property (excluding the two existing signs on other property near Gornto Road) shall be limited to a cumulative total of no more than 75 square feet for all freestanding signs, and 150 square feet for all wall signs. Sign permit applications for all existing signs on the subject property shall be submitted within 30 days. (10) Within 60 days, submit complete building plans and a site plan for Building C as required for the permitting review process to address existing renovation work that has already been completed, as well as proposed additional work to be done, in order to obtain a Certificate of Occupancy for this building as its intended use. Also submit other applicable plans and documents as required to address overall development issues relating to land disturbance, stormwater management, utilities connections, outdoor storage, and landscaping. (11) Planned Development approval shall expire in one (1) year from the date of City Council approval if conditions #4-6 are not completed and satisfied by that time. The Planning Commission reviewed this at their May 27, 2014 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval with the following conditions (5-1 vote): (1) Approval shall be granted for a mixed commercial/office development in general accordance with the approved conceptual master plan as restricted or amended through these conditions. The development shall consist of existing and/or other buildings that do not cumulatively exceed 15,000 square feet. Approved uses within the development shall include all forms of non-medical professional office, furniture or home furnishings store, used merchandise store, art gallery/studio or art store, gift or hobby/novelty store, warehousing/storage for the approved businesses only, and outdoor display or storage of weather-durable merchandise in areas as depicted on the approved master plan. Driveways and parking areas within the site may be unpaved and shall adequately support the weight of emergency vehicles in accordance with the Fire Code. The unpaved surfaces shall be properly maintained to the satisfaction of the City Engineer and Fire Marshal. (2) Combine the existing four parcels into one platted and recorded parcel of land. (3) All new buildings or building expansion/enclosures constructed on the site shall comply with all applicable FEMA guidelines and requirements. (4) All buildings on the property shall be properly connected to the City's water and sanitary sewer system. Connections shall include at least one internal fire hydrant that meets Fire Code requirements, or an

approved alternative such as a “dry hydrant” that also meets such requirements. (5) Upgrade the existing main driveway to better allow for two-way traffic flow and support the weight of emergency vehicles, and provide a proper turnaround as approved by the Fire Marshal. (6) Maintain the existing natural vegetation at the southern end of the property as shown on the approved master plan, as well as the existing trees and other vegetation along the northern property line. Restore the State-required vegetative Stream Buffer (25’ wide) along Sugar Creek with natural vegetation in accordance with an approved landscape plan. The development shall be exempt from all other internal landscaping requirements. (7) Outdoor storage trailers shall be limited to the six existing trailers and their freestanding loading dock in the southern portion of the property as depicted on the approved master plan. This dock shall be properly inspected and altered if necessary to ensure compliance with all applicable building and life safety codes. (8) Dumpsters or other refuse containers shall be located in an area that is properly accessible to sanitation vehicles, and shall not negatively impact Sugar Creek. Outside accumulation of trash or debris shall not be allowed and all non-buffer grassed areas shall be kept mowed. (9) Signage on the subject property (excluding the two existing signs on other property near Gornto Road) shall be limited to a cumulative total of no more than 75 square feet for all freestanding signs, and 150 square feet for all wall signs. Sign permit applications for all existing signs on the subject property shall be submitted within 30 days. (10) Within 90 days, submit complete building plans and a site plan for Building C as required for the permitting review process to address existing renovation work that has already been completed, as well as proposed additional work to be done, in order to obtain a Certificate of Occupancy for this building as its intended use. Also submit other applicable plans and documents as required to address overall development issues relating to land disturbance, stormwater management, utilities connections, outdoor storage, and landscaping. (11) Planned Development approval shall expire in one (1) year from the date of City Council approval if conditions #4-6 are not completed and satisfied by that time.

Councilman Vickers inquired as to whether the applicant would be using the property for anything other than selling antiques and furniture. Matt Martin stated that a Planned Development is for a mixed commercial and office development and the applicant has an antique store/home furnishing store as well as a professional office for an interior decorator. Councilman Vickers inquired as to whether that property is prone to flooding. Matt Martin stated that the property is in the floodplain and it has flooded in the past. Councilman Vickers stated that the City does not want to be held responsible if flooding occurs again. Matt Martin stated that the applicant is aware that the property is in the floodplain and there are Federal and State rules that will have to be followed for any expansions or new buildings that come along and that will not be an easy thing to do.

Councilman Yost inquired about the recommendation by Staff for a fire hydrant. Matt Martin stated that the Planning Commission recommended that they have a fire hydrant or an approved alternative that would meet Fire Code requirements. The property has not been thoroughly engineered and there is still a lot of unknowns. This is Planned Development approval based on a conceptual master plan and it does not grant building permits or approve specific plans under the permitting process. The applicant will still have to go through all of those processes such as stipulated in condition (10). This will include Fire Department review and compliance with Fire Codes. Councilman Yost stated that the applicant would not necessarily have to put in a fire hydrant but something else that is acceptable. Matt Martin stated that they could put something in that meets the Fire Code. The Planning Commission is recommending to leave it open for a hydrant or an approved alternative. The Fire Marshal’s review has recommended a fire hydrant and it is shown on the submitted plan as a new fire hydrant in the center of the site; however, there may be an alternative. This is a conceptual plan and there is no engineering information that specifies exact distances, depth of pipes, and size of pipes. This would come as part of the plan review process.

Councilman Carroll stated that it was his understanding that there were some other alternatives to meet the Fire Code requirements for the property. Matt Martin stated that there can be. The Fire Marshal’s opinion was that the alternatives would be more expensive and difficult than the conventional fire hydrant; however, the cost will not be known until it gets engineered and is looked at in great detail. The City’s concern is that it needs to meet Fire Code requirements one way or another.

Councilman Vickers inquired as to whether they were putting the cart before the horse. Larry Hanson, City Manager, stated that the Planned Development zoning designation is set up for properties that have some challenges or are difficult to develop. This piece of property has some challenges because of some of the unique things that have been discussed. Approving a Planned Development, which is talking about the uses that are allowed and the general conditions, they will still have to have a set of engineered plans and go through plan review with each

Department. At that time, the Departments will ensure that the applicant meets all regulations. The Fire Department will also review and ensure that it meets Safety Codes whether it is a hydrant, a dry hydrant, or some other alternative. Matt Martin stated that the conceptual plan has already been reviewed by the City Departments but it is not a detailed site plan. Some of the Departments have realized that there are some issues that need to be addressed and that is where many of these comments have come from.

Bill Nijem, 209 East Alden Avenue, spoke in favor of the request. Mr. Nijem stated that he represented the applicant, Doug Carter, and this has been an on-going process with the City working on this site. The first step in this process was the Planned Development application to address certain issues with the site where the applicant would have had to get variances given the current zoning. Matt Martin, Planning and Zoning Administrative, felt that the most efficient route to address a lot of the concerns such as parking, signage, and outdoor displays would be for a Planned Development. There are a number of conditions attached to this property and 90% of those conditions are regarding permitting and engineering which is the second phase of this process. This property is in the floodplain and the applicant will comply with all State and Federal law and any local Ordinances when it comes to developing any further on the property. The property was blighted property and there were semi-trailers and cars left on the northwest corner of the property along the creek bed and was bordering on a junk yard almost. The applicant cleaned up the property and in the process of doing so, unbeknownst to him, unintentionally cleared some brush along the fence line of the stream. The intention was to clean up the site and the applicant has made some novel uses of the equipment left on the property. The six trailers are being used for storage and he has built a dock to access them. The applicant has done some good things with the property and made a lot of improvements. It will provide the City with a tax base whether it is through the sales of the businesses that will locate there or property tax as improvements are made. There are 11 conditions for the Planned Development and the applicant has tried to review the conditions with Matt Martin and come to terms with them. The applicant does realize that the water line for the fire hydrant is on the applicant's side of Gornto Road so he would not have to bore under the road. The fire hydrant site on the conceptual plan will probably be moved to get a little closer to Gornto Road but they will work with the Fire Department on that. Mr. Nijem asked that Council follow the Planning Commission's recommendation. There were a few minor tweaks that they made. Mr. Nijem stated that he wanted to provide some language on Condition (4) for the fire hydrant which will make it a little more flexible for the City and the applicant to work with. The Planning Commission's Condition (4) states the following: All buildings on the property shall be properly connected to the City's water and sanitary sewer system. Connections shall include at least one internal fire hydrant that meets Fire Code requirements, or an approved alternative such as a "dry hydrant" that also meets such requirements. Mr. Nijem suggested that the second sentence should state the following: Connections shall include at least one internal fire hydrant that meets Fire Code requirements, or an approved alternative that meets Fire Code. If there are other alternatives out there that are less expensive, then the applicant would look at those along with the City and utilize those alternatives and not be limited to a fire hydrant or a dry hydrant.

No one spoke in opposition to the request.

Councilman Yost inquired about what Mr. Nijem had suggested on Condition (4) and the alternative language versus the fire hydrant. Matt Martin stated that he is fine with the change that Mr. Nijem is proposing which is basically the same thing as Staff's language. The Planning Commission was trying to be helpful and give them some ideas of what the alternatives might be.

A MOTION was made by Councilman Yost to follow the recommendation of the Planning Commission with the 11 conditions noted above and to include the language that Matt Martin just discussed in Condition (4) for a Planned Development to allow for a mixed commercial/office development in Neighborhood-Commercial (C-N) zoning as requested by Doug Carter. Councilman Carroll seconded the motion. Councilman Carroll stated that when you have a unique piece of property such as this one and while this is not following the normal sequence, this is the highest and best use of this property. When you take a business person who has a unique and creative approach and is creating his brand for his business, they may have to look at it differently. Councilman Vickers stated that he was in support of the motion but his biggest concern was that he did not want the applicant to come back to Council for a bailout if the property does flood again. Councilman Yost stated that the applicant is well aware of the flooding on the property and he respects the flow of nature as well as the regulations that come along with building in a floodplain. The motion was unanimously adopted (7-0) to enact Ordinance No. 2014-9, the complete text of which will be found in Ordinance Book XIII.

ORDINANCE NO. 2014-10, AN ORDINANCE FOR TEXT AMENDMENTS TO THE CITY OF VALDOSTA'S LAND DEVELOPMENT REGULATIONS (LDR)

06/05/14 CONTINUED

Consideration of an Ordinance to amend two Chapters of the City of Valdosta's Land Development Regulations (LDR) as it pertains to Chapter 106, Definitions and Chapter 218, Use Regulations as requested by City of Valdosta (File No. VA-2014-04). The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval (6-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to amend two Chapters of the Land Development Regulations (LDR) as it pertains to Chapter 106, Definitions and Chapter 218, Use Regulations. These Amendments will result in a completely new Use Table for the LDR as well as some Amendments to the Supplemental Use Standards. There will also be a few changes to the Definitions to go along with them. The main purpose is to rearrange and streamline the Use Table in order to make it easier to use and to further clarify a few things along the way. Many of the Amendments are very minor, but some are more substantial. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their May 27, 2014 meeting, found it consistent with the Comprehensive Plan and recommended approval (6-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Ordinance No. 2014-10, an Ordinance to amend two Chapters of the City of Valdosta's Land Development Regulations (LDR) as it pertains to Chapter 106, Definitions and Chapter 218, Use Regulations as requested by City of Valdosta, the complete text of which will be found in Ordinance Book XIII.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for Phase III of the Manhole Rehabilitation Project.

Henry Hicks, Utilities Director, stated that the Utilities Department has over 6,500 sewer manholes within its sanitary sewer system. Many of these manholes are at least 30 years old and some are older. In addition, many are seriously deteriorated due to hydrogen sulfide gas corrosion over the years. Both their age and the effects of sewer gases have caused many to be at a point where replacement or rehabilitation is necessary. As manholes fail, they cause sewage spills in the vicinity of the manholes which, in most cases, creates a violation of State and Federal regulations as well as public health and safety concerns. To address this, the Utilities Department has implemented an annual Manhole Replacement and Rehabilitation Program using structurally sound liner technology where the most seriously deteriorated manholes are being addressed first. This will be an ongoing program until the entire system is evaluated and appropriate corrective measures taken where needed. Two phases of replacement and rehabilitation have already taken place. Since 2011, Utilities Department Staff has inspected about 50% of the sewer system's manholes focusing in areas within the City where prior manhole failures occurred. Defects were detected through smoke testing and from recurring sewer overflows that have happened. From this investigation to date, Staff compiled a list of 120 manholes meeting one or more of the criteria. The first phase of this annual Program addressed approximately 30 manholes and the second phase addressed an additional 30 manholes. This Project will be the third phase and will address 38 additional manholes in our system. On April 23, 2014, a pre-bid conference was held to review the expectations and requirements of this work as well as answer pertinent questions from the prospective bidders. Bids were received on May 21, 2014, from two bidders, Layne Construction and Standard Contractors. Based on the bid tabulations, Standard Contractors was the averaged low bid at \$648,241. A 20% contingency is requested on this Project due to the fact that until work on each manhole is begun, it is unknown whether a structural liner can be used versus replacement of the entire manhole. Henry Hicks recommended that Council approve the average low bid submitted by Standard Contractors in the amount of \$648,241 plus a 20% contingency to handle any unforeseen circumstances.

Councilwoman Tooley stated that she would vote against this request because there is a manhole that has had spillage that is not on the list. She spoke with some people and it has happened more than once. Since there has been some recent spillage and since they are not so far behind with being in compliance with the Environmental

Protection Division (EPD), Councilwoman Tooley inquired as to whether they could not approve the bid at this time and have Staff go back and look at the manhole in question. Henry Hicks asked if Councilwoman Tooley was referring to the manhole on Troup Street. Councilwoman Tooley stated that was correct. Henry Hicks stated that he was not certain as to whether that spill was from a grease blockage or not and typically there have been no other sewer or manhole problems in that area. They have also done some inspections in that area and have not seen any problems. If it is a capacity problem then lining the manhole will not solve the capacity issue. If there is too much flow going into the line they will have to look into that. They will not replace a manhole just because they have a spill but will determine the cause of the spill first. Henry Hicks stated that he thought that particular overflow was due to a grease blockage but he would need to confirm that. Councilwoman Tooley stated that it should be checked before it has a spill. Since this was one that had to be treated, it seems like that is a problem and it should be dealt with. Henry Hicks stated that he agreed and they would have to determine the cause of the spill. They have not had any additional spills in that area, any line collapses in that area, and the inspections that they have done in that area have not shown any deterioration of the manholes. Councilwoman Tooley stated that she thought the manholes that had the most spillage and problems were the ones that would be fixed first. Henry Hicks stated that when they have a spill they look for the cause and try to address that. Councilwoman Tooley stated that the spill in this area occurred in April and she did not see where they went back and checked it. There was raw sewage on ground and even though it was treated she felt like they needed to check into it and fix the problem.

Councilman Yost stated that he appreciated what Councilwoman Tooley was saying and it has taken quite a while for some of these things to work through the system and be put on the list. There will be other lists and there will be one more this year so this manhole is one that can be looked at. Councilman Yost stated that the manholes in his District have caused quite a bit of damage and he was not willing to take one of his off the current list and put someone else's on the list. The City is actually being sued at this time due to some of the spills in his District and he was not willing to take his off and put someone else's on.

A MOTION was made by Councilman Yost to approve the average low bid submitted by Standard Contractors in the amount of \$648,241 plus a 20% contingency to handle any unforeseen circumstances for Phase III of the Manhole Rehabilitation Project. Councilman Carroll seconded the motion. Councilman Wright stated that the Council member is raising a valid point in that we have manholes where we know problems exist and it looks like it should be a priority. This is raw sewage spewing in our community. If we do not have spills in other areas, why would we fix those as opposed to this one? He hoped that they can do this in the future where they fix the manholes where there are problems and fix the others as needed. The motion was adopted (6-1) with Councilwoman Tooley voting in opposition.

Consideration of bids for portable emergency generators for sewer lift stations.

Henry Hicks, Utilities Director, stated that the City currently has 27 sewer lift stations in operation. These stations rely on a consistent electric power source to function as designed and to prevent sewer overflows. While we have a very reliable electric grid to provide this power consistently, there are times when the electric utility providers do encounter power outages which is usually as a result of storms causing trees to fall on power lines. To ensure that we have the capability to operate every lift station should it encounter either a short or long term power outage, the Utilities Department developed a scope of work to purchase a minimum of three emergency generators (one annually over the next three years) to meet the electrical needs of any lift station should one or more of these stations be affected by a power outage. This scope also included all the necessary electrical wiring modifications to each lift station for quick connection to a portable emergency generator. Because of their portability, it is not necessary to have a generator at every lift station. These generators will be sized to operate any of our lift stations. The City and the Environmental Protection Division (EPD) have an agreement that requires the purchase of three emergency generators including the necessary wiring for quick connection and disconnection to be completed by December, 2016. Over the past several months, the Utilities Department has requested quotations from at least three vendors capable of providing the properly sized generators with a two-year warranty and performing the associated electrical work at each lift station to utilize a portable generator during power outage. None of the proposed bidders were willing to offer a multi-year purchase program for their generators. The lowest bidder meeting the required scope and specifications was Ace Electric at \$158,000.00

A **MOTION** was made by Councilman Norton to approve the low bid submitted by Ace Electric in the amount of \$158,000 for three portable emergency generators for sewer lift stations. Councilman Carroll seconded

the motion. Councilman Vickers inquired as to whether the City would own these generators and if they would be in our inventory when needed. Mayor Gayle stated that was correct and they would be wired so we could immediately hook it up if there was a power outage. The motion was unanimously adopted (7-0).

LOCAL FUNDING AND REQUESTS

Consideration of a request to authorize payment for emergency sewer main repairs on South Blanchard Street.

Henry Hicks, Utilities Director, stated that the City had previously encountered a seriously deteriorated large diameter sewer main in the South Blanchard Street area north of the Union Tank Car facilities in the past which required emergency replacement of both manholes and sewer main. In addition to that repair, several manholes have either been replaced or rehabilitated in this area under our annual Manhole Rehabilitation Program. On March 24, 2014, City crews discovered another major sewer spill occurring at manholes in the vicinity of South Blanchard Street and Howell Road immediately north of where a 21-inch sewer main crosses under several railroad tracks. The cause of the spill was a result of a different collapsed 21-inch sewer main crossing under a rail spur on the southern side of these tracks. In addition, an overhead electric transmission line paralleling the existing sewer main added to the complexity of the repair. Due to the size, location, and depth of this 21-inch sewer main, Standard Contractors was called in to make emergency repairs. In order to make repairs, directional drilling equipment had to be mobilized first to drill under the five sets of railroad tracks so a bypass pumping system could be installed to stop the ongoing spill. The Utilities Department Staff met with the contractors during this initial phase of work to develop a repair plan to replace the collapsed sewer main. This plan included replacing the existing failed sewer main by drilling a new 24-inch bore hole for the required steel casing under the railroad tracks and then inserting a new 21-inch ductile iron sewer main through it to connect to two new manholes on each side of these tracks. Two additional manholes would also be needed to reroute the old sewer main outside of the overhead power lines as well as several hundred feet of new sewer main to connect everything together. Well pointing would also be required to prevent ground water intrusion into the excavations during the repairs. Repeated heavy rain events throughout the rest of March and April caused significant delays in the timely completion of this work. These repairs were finally completed by mid-May, 2014. The total cost of these repairs was \$782,792.56. Henry Hicks, Utilities Director, recommended that Council authorize the payment of \$782,792.56 to Standard Contractors for the emergency repair work.

A **MOTION** by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to authorize payment to Standard Contractors in the amount of \$782,792.56 for emergency sewer main repairs on South Blanchard Street.

Consideration of a request to approve payment for emergency sewer main repairs on Summerlin Street - Phase I.

Henry Hicks, Utilities Director, stated that on February 21, 2014, sewer crews were investigating a report of sewer problems in the Summerlin Street area and discovered that an 18-inch sewer main had collapsed in the field behind the White Bros. Auto Parts building. Due to the depths of this main, the Utilities Department was not capable of performing repairs and a local underground contractor, Radney Plumbing, was contacted to make repairs. During this time a second manhole began surcharging at the corner of Myddleton Street and Hawkins Street as well as sewer surcharging on the edge of a field adjacent to those manholes. These repairs were included in the work for the contractor. Since the 18-inch sewer main ran under White Bros. Auto Parts, it was determined to re-route this sewer main around that structure and back into a manhole in the middle of West Hill Avenue. Bypass pumping was in place by Saturday noontime and plans for repair initiated. After completing replacement and re-routing of the new 18-inch sewer main related to the Summerlin collapse, the contractor tied into the existing manhole on West Hill Avenue and began to release sewage to this section of the collection system. At this time, the receiving sewer main under West Hill Avenue began to backup and the contractor discovered another collapsed section of main under the street. In order to replace this section of sewer main, the City would need to acquire

some additional property and get approval from the Georgia Department of Transportation to jack and bore under West Hill Avenue for the re-routing of the replacement sewer main. Due to the time needed to complete those tasks, it was decided to split this work into two phases so the contractor could recover his expenses up to this point in time. Henry Hicks, Utilities Director, recommended that Council authorize payment to Radney Plumbing in the amount of \$268,704.89 for emergency repairs completed to date. A second invoice will be generated upon completion of the remaining repairs including jack and bore under West Hill Avenue to extend a new sewer main with two new manholes as well as lining of several hundred feet of remaining sewer lines between West Hill Avenue and Hawkins Street. Councilwoman Tooley inquired about work being done on a manhole in this area. Henry Hicks stated that there was a manhole overflowing behind White Bros. on Summerlin Street. They sent a vac con truck out to clean out the lines. The hose got stuck in the line that goes under White Bros. and that is how they knew there was a collapsed line. The next morning they decided to re-route the line instead of tearing down the White Bros. building. Councilwoman Tooley stated that Summerlin Street has two manholes that are also slated for Phase III and inquired as to whether these were the manholes that they had problems with. Henry Hicks stated that the ones on the list are further up the street. Because they had the manhole problem on Summerlin Street they looked further on Summerlin Street closer to River Street and found those manholes were in serious condition and added them to the list. Councilwoman Tooley stated that these manholes are located at the intersection of River Street and Summerlin Street and inquired as to whether these were the ones that were worked on in Phase I. Henry Hicks stated that the one that they worked on was at the corner of Summerlin and Williams Lane. Councilman Vickers stated that there is also one on Hill Avenue and Cherry Street. When you have a collapse of the line under the building, the issue was not the manhole but the line where the flow could not go through. Councilwoman Tooley stated that they would still have to work on the manhole as well as the collapsed line. Henry Hicks stated that there are two manholes on the corner at the intersection of River Street and Summerlin Street that are in Phase III. The original list of 30 manholes has 8 more that have been added.

Councilman Wright stated that he does not have a problem with the emergency repairs because it is a public health issue but he inquired as to where they would get the money to cover these repairs and how would they fund these in the future. Henry Hicks stated that there was approximately \$1 million in funds remaining in SPLOST V that will be used for the Summerlin Street and Hill Avenue work. For the South Blanchard Street emergency repairs they will use SPLOST VI revenues. Councilman Wright inquired as to how they would keep funding these emergency repairs. Henry Hicks stated that our goal is to start doing more slip lining of some of the older sewer lines starting with the large lines. This is something that the EPD will ask us to do but we need to identify the source of the funding first. Larry Hanson, City Manager, stated that they will have budget hearings next week and it is difficult to predict an emergency and how you deal with those circumstances. Sometimes it may mean delaying another project or use revenues from utility services. We may also use a combination of loans and user fees. There is a line item in the budget for water and sewer repairs so we anticipate that there will be some emergencies but obviously these are beyond what would have been budgeted. Councilman Wright inquired as to how we will deal with the ones we know about. Larry Hanson stated that those will be in the budget.

Councilman Carroll stated that there are over 700 cities across America that are all dealing with aging water and sewer infrastructure and all of the protocols that Henry Hicks and his team are taking to keep moving forward on the plans that have been developed over the last five or six years are pretty much in line with the protocols that other cities are doing. If there is an issue it will be placed on the list and it will get taken care of.

Councilwoman Tooley stated that she agreed with putting money in the budget for that but they need to look at actual problems versus the potential problems. If they have an actual spillage then they need to fix that manhole versus fixing it just because of where it is located. If they have had a spillage there then it will probably get worse. Larry Hanson, City Manager, stated that we need to look at the cause of the spill. If the case was in fact due to a grease blockage then removing the blockage eliminated the problem so the manhole itself would not have been the problem and there would not be a reason to replace or rehabilitate a manhole if the cause of the overflow was due to a grease blockage. If they inspect the manhole and find that it has deteriorated and that caused the spill then the manhole will be either rehabilitated or replaced. Councilwoman Tooley stated that she understood that but she thought that it was not even addressed to be put on the list if no one has checked. Larry Hanson stated that if it was a blockage then they removed it at that time and that is why it is working now. Henry Hicks stated that they would have inspected the manhole. Councilwoman Tooley stated that when she went out there and spoke to the gentleman he said that it needed to be retreated because it was spillage of raw sewage so apparently someone went

out there and rechecked and saw that there was a problem and it was not grease. Councilman Yost inquired as to whether that was a professional in the field that said that. Councilwoman Tooley stated that she was not sure but the smell was similar to the spill on Meadowbrook Drive. Larry Hanson stated that it was sewage that they treated so that is correct; however, they need to go back and look at the cause. There are 6,500 manholes in the City and it is difficult to know everything about all of them but Henry Hicks will look into that.

A **MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (7-0) to authorize payment to Radney Plumbing in the amount of \$268,704.89 for Phase I emergency sewer main repairs on Summerlin Street.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that tomorrow night is First Friday in the Downtown area and encouraged the Mayor and Council to attend.

Also, Farm Days will be held on Saturday, June 7th in the Downtown area from 9:00 a.m. to 1:00 p.m. and will be held each Saturday in June with the exception of June 22nd which will be cancelled due to a conflict with another event on the Courthouse Square.

Larry Hanson, City Manager, stated that we will also have Budget Hearings on June 10th and June 11th with dinner being served at 4:45 p.m. and the Hearings will begin at 5:30 p.m. in the Council Chambers.

COUNCIL COMMENTS

Councilman Wright stated that he would like to see some Public Works employees receive the Employee of the Month. Mayor Gayle stated that they have not received a suggestion from that Department but he would bring that up again. Larry Hanson, City Manager, stated that they did have someone who was nominated and would have been selected but they left employment with the City.

Councilman Yost thanked Matt Martin, Planning and Zoning Administrator, and his Staff for all of their hard work on the Text Amendments to the Land Development Regulations.

CITIZENS TO BE HEARD

Paul Thomas, 2230 Pin Oak Circle, stated that he would like to request that an engineering study be done on the drainage ditch that runs behind his house. In 1994 and 1998 they had a flooding problem there and approximately five years later the City came through and tried to dredge the drainage ditch. They did not use equipment and just did it by eyesight so there are some high and low spots. In the low spot, which is right behind his house, there is standing water even when there has been no rain for several weeks. The standing water is causing a problem with mosquitoes and snakes. Mr. Thomas asked if the City could look at the problem and possibly close in the ditch or pipe it. The citizens in that area would be glad to maintain the ditch once the problem has been resolved.

George Boston Rhynes, 5004 Oak Drive, stated that he has been before Council many times and he has a different report for them tonight. He has been to approximately 12 cities in Georgia and he is more educated and thankful for his hometown of Valdosta and the City Council. The way the City Council operates is so far second to none. He has been to many cities and he never dreamed he would see a Council, Attorney, and City Clerk walk out on the Mayor and just leave him in a meeting. Mr. Rhynes stated that he saw a man who served as 28 years as Chief of Police and was told that he has never seen this type of government and the way it was handled. He has seen a City with 19 bank accounts and they have missing funds and the Mayor is requesting a forensic audit. Mr. Rhynes stated that he has seen a Mayor arrested twice and this same retired Chief of Police said it was for nothing. This Mayor has two brothers and each of the brothers has received two trespass warnings apiece and both were arrested. The retired Chief said it was for nothing. This is in the State of Georgia. He thought he would never see this. There were 15 people arrested here by former Mayor John Fretti and that was a piece of cake. Mr. Rhynes stated that he loves the truth regardless of whether it makes him look bad and it makes him look bad coming before

this Council and criticizing them. He really meant that and he just did not know about those other cities. Some of these situations have been to Court and if you go to “bostongbr” you will see some things that you never even dream of. The professionalism that he sees on this Council and in this City is very, very good and he meant that from his heart.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the June 5, 2014 Meeting of the Valdosta City Council at 6:54 p.m. to meet again in Regular Session on Thursday, June 19, 2014.

City Clerk, City of Valdosta

Mayor, City of Valdosta