

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JUNE 6, 2013
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., and Robert Yost. Councilwoman Deidra White and Councilman James Wright were absent. The invocation was given by Sr. Pastor Mark Brady, Anchor Faith Baptist Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE JUNE, 2013 EMPLOYEE OF THE MONTH AWARD

Police Chief Brian Childress presented the June, 2013 Employee of the Month Award (Barry Williams, Police Department).

Barry Williams began his employment with the City of Valdosta Police Department in March, 1991 as a Patrol Officer which is the position he currently holds. Officer Williams is responsible for maintaining a working knowledge of enforced Federal, State, and local laws, conducting preliminary inquiries and criminal investigations for court procedures, and completing necessary paperwork in a timely manner. Officer Williams is also assigned to the Power Squad which is used to supplement Patrol shifts. Members are required to work the peak activity times which are primarily nights and weekends. These assignments require the Officers to be proactive and self-motivated. In April of this year, a 66-year old female resident of the Ashley House needed assistance. The lady was transported from South Georgia Medical Center by a medical transport company and was dropped off outside the Ashley House in the cold, alone, and unable to enter the complex. Officer Williams noticed the resident was in need of aid. He stopped his Patrol vehicle, made several calls on his personal cell phone, and finally reached Mr. Bill Peterman of the Ashley House making sure the lady made it to her room safe and sound. Mr. Peterman contacted Chief Childress and stated he was impressed with Officer Williams' dedication and hard work with this situation. Officer Williams has been a valuable member of the Power Squad for over fifteen years. This incident is just another example of Officer Williams' devotion to help make the streets of Valdosta safer. For these reasons and many others, the Employee Relations Committee nominated Officer Barry Williams as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the May 23, 2013 Regular Meeting were approved by unanimous consent (5-0) of the Council.

PUBLIC HEARINGS

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS TABLED

Consideration of an Ordinance to deannex 36 acres located at 2990 Stallings Road as requested by Scott Houser (File No. VA-2013-05). The property is zoned Single-Family Residential (R-15) in the City and the applicant is requesting Residential-Agricultural (R-A) zoning in the County. The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval (4-3 vote).

Matt Martin, Planning and Zoning Administrator, stated that Scott Houser is requesting to deannex 36 acres of vacant land located at 2990 Stallings Road. The applicant has just requested that this item be tabled for two weeks which is at the discretion of Council. The tabling of this request would not require readvertisement; however, if it is tabled beyond two weeks it would require readvertising at the applicant's expense.

Mayor Gayle entertained a motion to table the request for two weeks.

A **MOTION** was made by Councilman Vickers to table the request to deannex 36 acres located at 2990 Stallings Road. Councilman Payton seconded the motion. Councilman Yost stated that he would prefer not to table the request and would like to hear the request. Councilman Carroll stated that if there is substantial new information that would be brought forth in regards to this case then technically it should go back before the Planning Commission for them to hear it as well. Matt Martin, Planning and Zoning Administrator, stated that many times in the past when there is a new development, zoning change, or something of that nature then it would go back before the Planning Commission. This request is straight forward and he was not aware of any changes. The applicant is in the audience tonight and could explain his request further if needed. Councilman Carroll stated that if there is a major change then it should go back before the Planning Commission. Matt Martin stated that was correct and that has always been Staff's recommendation because the recommendation from the Planning Commission would then be based on something that is no longer valid. Mayor Gayle stated that there was a motion on the floor that would need to be dealt with first; however, if the applicant would like to speak he could do so during the hearing process. Councilman Yost stated that even though there was a motion on the floor it might make a difference if the applicant could tell them why he wants it tabled which may make a difference in his vote. He would prefer to hear what the applicant has to say. Mayor Gayle stated that the motion to table the request takes precedence over any other motion. Councilman Yost stated that he was not asking for a motion on the floor but this is a time of discussion and he wanted to hear from the applicant because that could make a difference on which way he is voting. At this moment he would vote no to table the request but he would like to hear why it should be tabled because they have been presented with nothing except that he wants to table it. As far as he knows they have not heard anything that would change information in the Agenda Packet that would send the request back before the Planning Commission. Mayor Gayle stated that until the Public Hearing a person can withdraw their request and the applicant is asking to table it at this time. Councilman Vickers stated that they had a lot of discussion on this request at the Work Session and he was sorry that Councilman Yost could not be there; however, they have afforded just about anyone who has come before Council the courtesy and respect if they want to table something. We do not know the reason for the applicant's request to table the request but Council should honor the precedence that has been set over the years when someone makes a simple request. It is not going to cause any problems if we delay this for two weeks.

Mayor Gayle asked for a motion to call for the question.

A **MOTION** was made by Councilman Payton to call for the question. Mayor Gayle asked that all those in favor to signify by raising their right hand. Mayor Gayle asked that all those opposed raise their right hand. The motion to call for the question was approved (4-1) with Councilman Yost voting in opposition.

Mayor Gayle stated that the motion was to table the request for two weeks until the next Council Meeting. Mayor Gayle asked that all those in favor of the motion as stated to signify by raising their right. Mayor Gayle asked that all those opposed raise their right hand. The motion was adopted 3-2 with Councilman Norton and Councilman Yost voting in opposition.

ORDINANCE NO. 2013-9, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone .50 acres from Heavy Industrial/ Manufacturing (M-2) to Community-Commercial (C-C) as requested by Jackson Drive Church of Christ (File No. VA-2013-06). The property is located at 114 Jackson Drive. The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Jackson Drive Church of Christ is requesting to rezone two parcels of land totaling approximately 0.50 acres from Heavy Industrial/Manufacturing (M-2) to Community-Commercial (C-C). The properties are located along both sides of the street at 114 Jackson Drive, which is approximately 170 feet north of Tucker Road. The existing church building is located on the west side of the road and is directly across the road from the church's overflow parking area (vacant lot). The church is currently a non-conforming use in M-2 zoning. They are proposing to expand their facility with the addition of a portable classroom building on the western parcel, and this triggers the need for rezoning. The property is located

within the Industrial Activity Center (IAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C zoning. The property is situated within a broad industrial area on the southern side of the City, east of Madison Highway; however, it is also adjacent to a compact residential enclave embedded within this area which is contrary to the surrounding industrial development. The industrial zoning was put in place in the area several decades ago in anticipation of expanding industrial development; however, residential development in this area has continued without much industrial encroachment. The existing church on the property has been in place for decades and pre-dates its own industrial zoning. Jackson Drive itself is dominated by residential land uses to the north of the property and it is still considered a residential street (albeit with a sub-standard 30' right-of-way). Given the established patterns, Industrial zoning or development is not appropriate for the property or elsewhere along this street. In 1995, the property immediately south was down-zoned from M-2 to C-C to allow the construction of a small commercial/office building. Given the broader land use pattern of the area, commercial zoning for the property is a much more logical alternative to M-2. It allows the expansion of the existing church and it also serves somewhat as a transition between the established residential area to the north and the industrial uses along Tucker Road and properties to the south. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommended. The Planning Commission reviewed this at their May 28, 2013 meeting, found it consistent with the Comprehensive Plan, and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (5-0) to enact Ordinance No. 2013-9, an Ordinance to rezone .50 acres from Heavy Industrial/ Manufacturing (M-2) to Community-Commercial (C-C) as requested by Jackson Drive Church of Christ, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-10, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 1.49 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M) as requested by the Frances Moran Estate (File No. VA-2013-07). The property is located at 1622 and 1644 East Park Avenue. The Greater Lowndes Planning Commission reviewed this request at their May Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the Frances Moran Estate is requesting to rezone three adjacent parcels totaling 1.49 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M). The property is currently vacant and located at 1622 and 1640 East Park Avenue. This is along the northern side of the road immediately west of the intersection with Lakeland Avenue and directly south of the W.G. Nunn Elementary School. The applicant is proposing to convey the property to Oak Terrace Apartments (across the street) for the purpose of constructing a total of 24 apartment units that would consist of three, two-story buildings. The maximum number of units that R-M zoning would allow for this property is 26. The property is located within the Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-M zoning. The property formerly contained two single-family homes which were relocated from the property in 2009 and 2012 respectively. It has since been maintained as a vacant lot with mowed grass and perimeter trees including one specimen live oak tree. The surrounding land use pattern is completely dominated by apartment complexes such as Park East and Oak Terrace, and also institutional uses such as W.G. Elementary School, LARC, and Greenwood Baptist Church. The surrounding zoning pattern is a mixture of R-6, R-M, and R-P, and R-10 zoning for the school. All of these zonings (except for R-10) are supported by the Comprehensive Plan's NAC character area which calls for a mixed pattern of high-density residential, office/institutional, and even proximity to some service commercial uses. Given the surrounding development pattern and the nature of East Park Avenue being a minor arterial roadway, the property is no longer conducive for single-family development. The proposed apartment complex and R-M zoning are very compatible with the surrounding patterns, and consistent with the Comprehensive Plan's future land use policies for

the area. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommended. The Planning Commission reviewed this at their May 28, 2013 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0 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 Vickers, was unanimously adopted (5-0) to enact Ordinance No. 2013-10, an Ordinance to rezone 1.49 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M) as requested by the Frances Moran Estate, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2013-11, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 106 - Definitions and Chapter 218 - Use Regulations as it pertains to fraternities/sororities and similar facilities.

Matt Martin, Planning and Zoning Administrator, stated that at the request of Valdosta State University (VSU), the City of Valdosta is proposing to amend Chapter 106 - Definitions and Chapter 218 - Use Regulations of the City's Land Development Regulations (LDR) as it pertains to fraternities/sororities and similar facilities. The Text Amendments comprise the adding of a definition for these uses, modifying their allowable zoning districts and supplemental standards, and some changes to the map depicting eligible areas for such uses. The proposed LDR Text Amendments are shown in the same underline/strikeout format that has been used in the past. Valdosta State University has submitted a letter requesting the changes. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their May 28, 2013 meeting, found it consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION was made by Councilman Carroll to approve an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 106 - Definitions and Chapter 218 - Use Regulations as it pertains to fraternities/sororities and similar facilities. Councilman Norton seconded the motion. Councilman Yost inquired about the property located on Brookdale Drive and whether Valdosta State University (VSU) has approached the property owners about the proposal. Matt Martin stated that there are several property owners on that street and some of the properties have changed hands recently. Other than standard advertisement for the Text Amendments, there has been no specific communication with the property owners except for some informal discussions by City Staff. Russ Mast, Valdosta State University, stated that they have not had any direct communication with the property owners. Councilman Yost inquired as to whether VSU had spoken with fraternities and sororities about the proposal. Russ Mast stated that they have had discussions with them and it is their goal to get them all in one area which will benefit VSU and the City. The motion was unanimously adopted (5-0) to enact Ordinance No. 2013-11, the complete text of which will be found in Ordinance Book XII.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that we are currently dealing with a weather issue and the most recent update is that the tropical storm has moved a little to the east of us which should spare us from some of the wind. Lowndes County is under a tropical storm warning; however, the impact is expected to be at the low end with winds no more than 30-40 miles per hour. There are approximately 500 people without power in Lowndes County but that is expected to be restored quickly. We have had rainfall of 1½ to 2 inches and there is an additional 2-3

inches expected over the next 12 hours so that could bring approximately 5 inches of rainfall in some areas. Currently, all of our drainage systems are handling the rainfall just fine. There could be an increase in rainfall intensity between now and in the morning; however, the rivers are all well below flood stage so no river flooding is expected. The storm will be out of our area when people begin their commute in the morning.

Dr. Tina Anderson has been named as the new President of Wiregrass Technical College. She actually served as Interim President several years ago during a period of transition and is currently in Moultrie. This will be a really good fit for the institution and the community as well.

The new Fry Street elevated water storage tank is now on line and has been filled. It passed all of the water quality tests submitted to the Environmental Protection Division (EPD) and we will now begin removing the old water tank. Also, the Valdosta High School storage tank is undergoing renovation and has been emptied. It will be cleaned and painted inside and out and will look brand new before school starts in August.

The Valdosta Fire Department has a group of new recruits undergoing training and their graduation ceremony will be held on June 21st at the Valdosta High School Performing Arts Center at 5:00 p.m.

Larry Hanson, City Manager, also reminded the Mayor and Council that the City of Valdosta's Budget Hearings will be held June 11-12, 2013 at 5:00 p.m. in the Council Chambers.

COUNCIL COMMENTS

Councilman Carroll thanked Police Chief Brian Childress and Barry Funk, Crime Lab Director, for the recent tour that they gave for the Mayor and Council. Several years ago when they were setting up the Crime Lab there were some people who thought it was a waste of taxpayer's money; however, it is really moving forward and they are doing some really good things. Also, on the deannexation case, if Council does receive additional substantial information within the next two weeks, then they do have the option to refer it back to the Planning Commission.

Councilman Payton stated that the Eastwind Sidewalk Project is progressing very well. Councilman Payton also thanked Police Chief Brian Childress for the speaking at the GED Graduation on May 23, 2013. It was very well received and there were a lot of positive comments.

Councilman Vickers stated that the former Lowndes County Chairman Fred DeLoach's wife passed away this morning.

CITIZENS TO BE HEARD

George Boston Rhynes, 5004 Oak Drive, stated that the only reason that he was bringing this issue before Council is because it took place in the City. During the Lowndes County High School graduation, he was approached by Deputy Thomas from the Sheriff's Department who told him that he could not go to the graduation because there was a criminal trespass warning issued on him and that it had been in effect for two weeks. Mr. Rhynes stated that he had no knowledge of it and nothing had been given to him written, verbal, or otherwise. He went to the Magistrate Court, Superior Court, District Attorney's Office, U. S. District Court, Lowndes County Investigators, and the Sheriff himself. The Sheriff said he knew nothing about such a trespass warning but they threatened to arrest me with witnesses. A friend of his went out to Lowndes County High School and spoke with Mr. Wes Taylor and later spoke with him over the telephone. When he recorded the radio transmission from the Sheriff's Department, it said that he had been under that trespass warning and that it was two weeks. He was not to go on any property that deals with Lowndes County High School. He told the Deputy that he had violated no law, nothing had been written, and he had not been notified of anything. Everyone that he went to see found it to be very, very strange. Mr. Rhynes stated that he wanted Council to know that he takes defamation of character very seriously. It happened at the jail when he was ordered off the property once before and he has it all documented. He had broken no law. His name was slandered at the South Georgia Regional Library by the Director. He gave word to the Secretary of the City to pass it on to the Mayor and City Manager and he did same thing with the Lowndes County Board of Commissioners and Kay Harris, Editor of the Valdosta Daily Times. There is no news

media that has reported what happened to him recently. He served his country for 20 years to protect the rights of foreigners. He has been harassed and banned from property that his tax dollars paid for without anything being issued to him and he wanted everyone to know that he takes it very seriously. He wanted this to be part of the record because it happened and he did not believe that any person in the City, County, State of Georgia, or the nation should be threatened. The Deputy told him that he would be arrested if he went. The Sheriff said he knew nothing of it and told him to get with the Superintendent. The Superintendent told him that he did not do it. If the Superintendent or any of the Court systems did not do it, then someone else needs to find out what is going on here in Valdosta. It does not look good in our form of government and he did not appreciate it.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (5-0) to adjourn the June 6, 2013 Meeting of the Valdosta City Council at 6:02 p.m. to meet again in Regular Session on Thursday, June 20, 2013.

City Clerk, City of Valdosta

Mayor, City of Valdosta