

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JUNE 9, 2011
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., and James Wright. Councilwoman Deidra White arrived at 5:37 p.m. and Councilman Robert Yost was absent. The invocation was given by Dr. James Miller, Beulah Temple, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

Mayor Fretti entertained a motion for Awards and Presentations.

A **MOTION** by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (6-0) for the June Awards and Presentations.

PRESENTATION OF THE JUNE, 2011 EMPLOYEE OF THE MONTH AWARD

Mayor Fretti presented the June, 2011 Employee of the Month Award (Johnathon Voss, Police Department).

Johnathon Voss began his employment with the City of Valdosta Police Department in December, 2009 as a Patrol Officer. In his position, Officer Voss performs a variety of law enforcement duties which may include responding to domestic disputes, assaults, burglaries, and traffic accidents. The work also involves conducting field interviews, follow-up investigations, protecting crime scenes, and processing crime scenes in the absence of an investigator. It is a demanding job requiring attention to detail and most Officers find no two days are alike. Recently, Officer Voss had a streak of arrests that apprehended some of Valdosta's boldest criminals. During an armed robbery on Randolph Street, Officer Voss chased a suspect on foot and arrested him. The offender was charged with possession of marijuana and possession of a firearm by a convicted felon. A few weeks later, he responded to an alarm call at a business on Jaycee Shack Road. Upon arrival, Officer Voss immediately apprehended three suspects lying down in a wooded area outside the fence. The suspects were arrested and charged with possession of tools for the commission of a crime and criminal trespass after they cut the fence wire to gain entry. It has been said that being successful is simple. You just do what's right, the right way, at the right time. Such is the case with Officer Voss's string of successful arrests which have made Valdosta a safer place to live and do business. For these reasons and many others, the Employee Relations Committee nominated Johnathon Voss as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the May 19, 2011 Regular Meeting were approved by unanimous consent (6-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2011-15, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW A MINI-WAREHOUSE FACILITY IN A HIGHWAY-COMMERCIAL (C-H) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit to allow a mini-warehouse facility in a Highway-Commercial (C-H) Zoning District as requested by Bart Butler (File No. CU-2011-03). The property is located at 1406 Madison Highway. The Planning Commission reviewed this request at their May Regular Meeting and recommended approval with two conditions (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Bart Butler is requesting a revised Conditional Use Permit (CUP) to allow a mini-warehouse facility (10,400 square feet) in a C-H zoning district. The property is

part of a mixed-commercial development totaling approximately 4.66 acres located at 1406 Madison Highway. This property received CUP approval in December, 2010 with conditions that included a maximum cumulative building size of 6,000 square feet. The applicant is now proposing a larger mini-warehouse building in a slightly different configuration than originally approved. The applicant is still proposing to develop the mini-warehouse facility in the center portion of the property and behind proposed commercial uses which include a bail bonds office and a golf cart repair shop. The mini-warehouse facility is proposed to contain a total of approximately 75-80 storage units (as Phase-1), which includes both exterior and interior (climate-controlled) units. The entire development site will utilize a shared-parking arrangement as well as a shared entrance drive from Madison Highway. The property is located within an Industrial Activity Center Character Area on the Future Development Map of the Comprehensive Plan. All of the general rationale and planning considerations from the first CUP approval are still applicable with this request. The first CUP approval included the following conditions: (1) Approval shall be for one or more mini-warehouse buildings in the location as depicted on the site plan, and not to cumulatively exceed 6,000 square feet, (2) The mini-warehouse shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (3) Conditional Use approval shall expire after three years (December 9, 2013) if construction of the mini-warehouse facility has not been initiated. Even though the applicant is now proposing a larger building, it is also better situated on the site plan with the setback a little farther from the residential uses to the south. For possible future phases (more buildings), the applicant is proposing to simply follow all applicable City development regulations. These include supplemental standards for mini-warehouses, which currently include a requirement for 75' buffer yard adjacent to residential property. In general, the applicant's proposed use is far less-intensive than the existing large lumber yard to the north and west. The applicant's proposed development itself in many ways serves as a transitional use and buffer between the lumber yard to the north and the residential area to the south. Therefore, limiting the overall size or quantities of buildings (as in condition #1 above) may not be necessary so long as all other applicable development regulations are followed; however, the other two original conditions are still appropriate and applicable for this case. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions: (1) The mini-warehouse facility shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (2) The Conditional Use approval shall expire on December 9, 2013 (as originally conditioned) if construction of the mini-warehouse facility has not been initiated. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions (9-0 vote): (1) The mini-warehouse facility shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (2) The Conditional Use approval shall expire on December 9, 2013 (as originally conditioned) if construction of the mini-warehouse facility has not been initiated.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Payton, was unanimously adopted (6-0) to follow the recommendation of the Planning Commission and Staff to enact Ordinance No. 2011-15, an Ordinance for a Conditional Use Permit to allow a mini-warehouse facility in a Highway-Commercial (C-H) Zoning District as requested by Bart Butler with the following conditions: (1) the mini-warehouse facility shall utilize shared parking and a shared driveway access from Madison Highway with the other commercial building(s) in the front of the property, and (2) the Conditional Use approval shall expire on December 9, 2013 (as originally conditioned) if construction of the mini-warehouse facility has not been initiated, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-16, AN ORDINANCE FOR A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR RECREATION (PAINTBALL) FACILITY WITHIN THE URBAN COMMERCIAL CORRIDOR OVERLAY DISTRICT (UCCOD)

Consideration of an Ordinance for a Conditional Use Permit to allow an outdoor recreation (paintball) facility within the Urban Commercial Corridor Overlay District (UCCOD) as requested by Travis and Margaret Anne Newsome (File No. CU-2011-04). The property is located at 2103 West Hill Avenue. The Planning

Commission reviewed this request at their Regular May Meeting and recommended approval with three conditions (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Travis Newsome and Margaret Anne Newsome are requesting a Conditional Use Permit to allow an outdoor recreation (paintball) facility within the Urban Commercial Corridor Overlay District (UCCOD). The property is zoned C-H and is located at 2103 West Hill Avenue along the south side of the road, immediately west of the Clarion Hotel (formerly Comfort Inn) near Exit 16. The property contains a total of approximately 23.34 acres. The applicants are proposing to lease all of the property from the owner but utilize mainly the easternmost seven acres located behind the former gas station in the northeast corner of the property. The applicants are proposing to renovate the former gas station building as administrative office and equipment storage, and develop the cleared land behind the building as a series of paintball play fields. The existing pavement around the building will be utilized for permanent parking, and there will be an unpaved parking area immediately to the west to accommodate peak crowds. The property is located within a Community Activity Center Character Area on the Future Development Map of the Comprehensive Plan. Outdoor recreation facilities comprise a wide range of possible uses with a wide range of possible impacts such as from tennis courts to go-cart tracks. The main purpose of requiring such facilities to obtain Conditional Use approval in the UCCOD is to help ensure they will be compatible with the development patterns in these important corridors of the City. The proposed facility comprises a fair amount of acreage but is fairly low-intensity in terms of its use compared with other possible outdoor recreation facilities and even other possible commercial uses allowed in C-H zoning. The proposed location is ideal for this facility in that it has more than sufficient room to accommodate the use and is on the outer edges of the City, far removed from significant residential areas, and with good access to a major arterial road; however, since this is a first time that such a use has been developed in the City, and there are still some uncertainties with regard to possible impacts it may have on surrounding properties, it would be wise to include some safeguards in its conditions of approval. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions: (1) Approval shall be in the name of the applicant only for an outdoor recreation facility which does not utilize motorized equipment. (2) The use of the unpaved parking area shall be evaluated by the City Engineer within one year of the start of business to determine if paving or other forms of materials or design need to be utilized for better maintenance or better site circulation. The applicant shall make improvements to the unpaved parking area if required by the City Engineer. (3) Conditional Use approval shall expire on June 1, 2014 if construction of the facility has not been initiated. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions (9-0 vote): (1) Approval shall be in the name of the applicant only for an outdoor recreation facility which does not utilize motorized equipment. (2) The use of the unpaved parking area shall be evaluated by the City Engineer within one year of the start of business to determine if paving or other forms of materials or design need to be utilized for better maintenance or better site circulation. The applicant shall make improvements to the unpaved parking area if required by the City Engineer. (3) Conditional Use approval shall expire on June 1, 2014 if construction of the facility has not been initiated.

Margaret Ann Newsome and Travis Newsome, 6741 Lake Park Road, spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilwoman White, was unanimously adopted (6-0) to follow the recommendation of the Planning Commission and Staff to enact Ordinance No. 2011-16, an Ordinance for a Conditional Use Permit to allow an outdoor recreation (paintball) facility within the Urban Commercial Corridor Overlay District (UCCOD) as requested by Travis and Margaret Anne Newsome, with the following conditions: (1) Approval shall be in the name of the applicant only for an outdoor recreation facility which does not utilize motorized equipment, (2) The use of the unpaved parking area shall be evaluated by the City Engineer within one year of the start of business to determine if paving or other forms of materials or design need to be utilized for better maintenance or better site circulation, and the applicant shall make improvements to the unpaved parking area if required by the City Engineer, and (3) Conditional Use approval shall expire on June 1, 2014 if construction of the facility has not been initiated, the complete text of which will be found in Ordinance Book XII.

Consideration of an Ordinance for a Conditional Use Permit to allow expansion to an existing church facility and its accessory uses in a Single-Family Residential (R-10) Zoning District as requested by Christ Episcopal Church (File No. CU-2011-05). The property is located at 1521 North Patterson Street. The Planning Commission reviewed this request at their Regular May Meeting and recommended approval with three conditions (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Christ Episcopal Church, represented by EMC Engineering, is requesting a Conditional Use Permit (CUP) to allow expansion to an existing church facility and its accessory uses (including a church preschool), in an R-10 Zoning District. The property consists of approximately 4.6 acres located at 1521 North Patterson Street which is along the east side of the road directly across from the Valdosta State University (VSU) main campus (West Hall). The church property already contains a series of existing buildings that total approximately 21,000 square feet. The applicant is proposing to more than double the total building area over the course of several years through a series of phased expansions that will bring the total to approximately 55,000 square feet. The building expansions will include a new parish hall, church nursery, education building, and eventually a new sanctuary. New parking facilities are also planned in stages to go along with these expansions beginning with a new gravel temporary parking area to the south of the first expansion and then later converting this to a permanent paved parking lot. The property is located within both the Institutional Activity Center and the Established Residential Character Areas on the Future Development Map of the Comprehensive Plan. The property is also located within Valdosta's local Historic District as well as the Brookwood North National Register Historic District. In addition to the CUP, the church is also seeking Variance approval from the Zoning Board of Appeals (ZBOA) for both existing and proposed building setbacks in the rear yard and along East College Street (File No. APP-2011-07). The setback variances along East College Street are to take the existing sanctuary building out of non-conforming status, and the rear yard setbacks are minor and adjacent to the vacated rear alley. Staff is supportive of these Variance requests which will be heard by the ZBOA on June 7, 2011. The Historic Preservation Commission (HPC) reviewed this development at their May 2, 2011 meeting and approved the Certificate of Appropriateness subject to the following conditions: (a) Landscaping greater than the minimum landscaping requirements to be installed around the proposed new parking area and driveway, as well as trees to be larger than the minimum required caliper, and (b) Every attempt is made to relocate the Bray House within the Historic District. The existing church has been operating in this location for more than 50 years and it has grown into its own campus-like setting consisting of several buildings. They have been very successful in maintaining the historic character of the area. Even though the proposed expansions over time will increase the existing building area to more than 50,000 square feet, there is still plenty of room on the property for even further growth. The church has designed the expansions in phases and all are in accordance with a master plan that seeks to preserve existing vegetation and be compatible with the historic architecture of surrounding properties. The existing site plan, as well as a conceptual proposed site plan, depicts these first few phases of expansions which illustrates the differences. The site plan is also depicting a possible new sanctuary building to go in the front-center of the property (long-term phase), and this is indicated by dashed lines on the plan. During the construction of these various phases, some of the church's parking is proposed to be in the form of temporary unpaved lots until such time as the new permanent parking areas are made ready. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions: (1) Approval shall be for a church facility with related accessory uses in accordance with the general layout of the submitted master plans, plus possible additional expansions that to do not exceed a total building square footage of 65,000 for the entire site. Any expansions beyond this point shall require re-approval by the City. (2) Parking facilities for the site shall maintain compliance with LDR requirements with each phase of the expansions. Temporary unpaved parking areas may be allowed at the discretion of the City Engineer. (3) Remove unused curb cuts and driveways onto North Patterson as existing driveways are relocated or abandoned during the phases of redevelopment. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following conditions (9-0 vote): (1) Approval shall be for a church facility with related accessory uses in accordance with the general layout of the submitted master plans, plus possible additional expansions that to do not exceed a total building square footage of 65,000 for the entire site. Any expansions beyond this point shall require re-approval by the City. (2) Parking facilities for the site shall maintain compliance with LDR requirements with each phase of the expansions. Temporary unpaved parking areas may be allowed at the discretion of the City Engineer. (3) Remove unused curb cuts and driveways onto North Patterson as existing driveways are relocated or abandoned during the phases of redevelopment.

Charlie Clark, EMC Engineering, 115 West Brookwood Drive, spoke in favor of the request. Mr. Clark stated that he represented the applicant and asked for Council’s consideration in approving the request.

No one spoke in opposition to the request.

A MOTION by Councilwoman White, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Ordinance No. 2011-17, an Ordinance for a Conditional Use Permit to allow expansion to an existing church facility and its accessory uses in a Single-Family Residential (R-10) Zoning District as requested by Christ Episcopal Church with the following conditions: (1) Approval shall be for a church facility with related accessory uses in accordance with the general layout of the submitted master plans, plus possible additional expansions that do not exceed a total building square footage of 65,000 for the entire site. Any expansions beyond this point shall require re-approval by the City. (2) Parking facilities for the site shall maintain compliance with LDR requirements with each phase of the expansions. Temporary unpaved parking areas may be allowed at the discretion of the City Engineer. (3) Remove unused curb cuts and driveways onto North Patterson as existing driveways are relocated or abandoned during the phases of redevelopment, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-18, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 0.11 acres from Community-Commercial (C-C) to Single-Family Residential (R-6) as requested by Johnny McCloud (File No. VA-2011-11). The property is located at 214 South Troup Street. The Planning Commission reviewed this request at their May Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Johnny McCloud, represented by Walter Newsom, is requesting to rezone approximately 0.11 acres from Community Commercial (C-C) to Single-Family Residential (R-6). The property is located at 214 South Troup Street, which is at the northwest corner of South Troup Street and Wooding Lane. The property contains a former residential building, and the applicant is proposing to down-zone the property to R-6 in order to re-use the property for residential purposes. The property is located within the Downtown Activity Center Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-6 zoning. The property has been zoned commercial for many years, and the former residential use of the property has been non-conforming during this time. The existing building has been vacant/abandoned for many years, although there have been some slow renovations to the property more recently. Despite the existing commercial zoning, the property is very small and the existing building takes up most of the lot. The property does not contain sufficient room for parking in order to accommodate any form of commercial or even professional office usage; therefore, the property has very little value for commercial usage. The R-6 zoning is the most logical classification for this and it also matches the existing R-6 zoning on properties to the east across South Troup Street. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommended approval. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (9-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A MOTION by Councilwoman White, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2011-18, an Ordinance to rezone 0.11 acres from Community-Commercial (C-C) to Single-Family Residential (R-6) as requested by Johnny McCloud, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-19, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 1.56 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M) as requested by Jim Sineath (File No. VA-2011-12). The property is located at 409 West Mary

Street. The Planning Commission reviewed this request at their May Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Jim Sineath is requesting to rezone approximately 1.56 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M). The property is located at 409 West Mary Street which is along the south side of the road directly across from Sunset Hill Cemetery. The property is currently undeveloped and the applicant is proposing to expand the existing multi-family development (2-story building, 14 units) on adjacent property to the east, with 27 additional dwelling units (3-story building) on this property. The property is surrounded by unopened public alleys which were vacated and closed by City Council on May 5, 2011. The property is located within a Transitional Neighborhood Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-M zoning. The property is also located within the local Historic District. The Historic Preservation Commission (HPC) approved and granted a Certificate of Appropriateness for the proposed building on April 4, 2011. Prior to the adoption of the LDR, the neighboring property to the east was approved for multi-family development under R-6 zoning. The LDR no longer allows multi-family development in R-6. In the fall of 2009, the City Council proactively rezoned several existing multi-family developments in the City from R-6 to R-M so that they would no longer be non-conforming uses. This adjacent property was one of those. The applicant is proposing to expand his existing multi-family complex onto the subject property and develop it under one expanded site plan (41 dwelling units total). To accomplish this, the existing stormwater detention pond will be reconfigured, the two parcels will need to be combined together, and the parking lot design will need to be modified to reflect two entrance drives from the abutting street to provide better access and satisfy LDR requirements. The proposed 3-story building will observe a minimum 20' building setback and there will be buffer yards along the southern and western boundaries. Based on limited street frontage, R-6 zoning for the subject property would only allow up to three total parcels. The property is very deep and has enough area for 8-10 parcels under R-6 zoning (depending on the design of a necessary new street to give these parcels their own street frontage), and this portion of West Mary Street is no longer a single-family residential corridor. Its land use pattern is now dominated by the Sunset Hill Cemetery along the north side, and the new VSU facilities plus the existing multi-family complex along the south side. The proposed additional multi-family development fits in well with the surrounding development pattern, it has met the HPC approval criteria, and it will be beneficial for such development to be within walking distance of VSU. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommended approval. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (9-0 vote).

Hoke Hampton, 609 Sustella Avenue, spoke in favor of the request. Mr. Hampton stated that he has lived at that address since 1945 and his office is at 607 Sustella Avenue. This property affects him directly because his house is located in front of the parcel. Mr. Hampton stated that he is in favor of the rezoning 100%.

Hayward Singletary, 414 West Force Street, spoke in favor of the request. Mr. Singletary stated that he has lived there since 1999. The neighborhood is very nice and he hoped whatever they are doing will help the area and not harm it.

Jim Sineath, 2425 Westwood Drive, spoke in favor of the request. Mr. Sineath stated that he would be glad to answer any questions from the Mayor and Council. Mayor Fretti stated that the property is in a low lying area and inquired about onsite stormwater retention which could help the downstream VSU property. Mr. Sineath stated that the Engineer, Bill Kent, has designed the stormwater retention so that it will handle this property and the surrounding area.

Katherine Mayer, 924 Ridgewood Drive, spoke in opposition to the request. Ms. Mayer stated that she was concerned about the project. For years it has been a low lying natural area and it has been vacant for years because presumably it was not suitable for construction. Ms. Mayer submitted a letter to the Mayor and Council today and wanted to read it for the record. Ms. Mayer stated that the following letter expresses her concerns and asked for Council's consideration: "I was dismayed to see a multi-family dwelling erected on the land adjacent to it a year or two ago. That lot was also part of the swampy area. That apartment building looks jammed on that small piece of land, and the appearance from Mary Street is unsightly. The apartment dumpster borders the street as does an

unattractive retaining pond. Both the dumpster and pond have a privacy fence behind them to hide them from view of the apartment residents, which is an indication that they are not pretty to look at, so why should they be right out on the streetscape? While the retaining pond may control flooding, it does nothing for the wildlife displaced by the construction. The apartment looks out of place in the neighborhood, being taller than the nearby houses and having so little land around it. At the Planning Commission Meeting on May 31, 2011, I heard it argued that the proposed new building would be in keeping with the neighborhood because of this apartment building already erected next to the proposed site. This is false reasoning to me. Why should one bad decision be an excuse for another? Also, VSU destroyed an entire neighborhood. I heard that a petition was signed in favor of this construction by people in houses backing the property in question although I was not able to see a copy of this petition. I do understand that one reason neighbors are in favor of it is because for years they have been promised mosquito control and have never gotten it. I think mosquito control is a legitimate concern, but a retention pond will be necessary, and I don't see any guarantee that mosquitoes will not be a problem with the new construction. Mosquito control should be addressed by the City regardless of decisions on new construction. Mary Street is a two lane road with no shoulders and no sidewalks. The land in question is near a curve in the road and the present apartment is on that curve. Walkers and bicycle riders frequent this street. Increasing traffic flow by erecting an apartment will make this street more dangerous. Some say that because the cemetery is on one side of the street, there is no residential traffic on that side. That's true, but there are also no crossroads so everyone using Mary Street stays on Mary Street for that stretch and cannot turn off down a side street on that side. When the apartment building there now was being constructed, some construction vehicles had to park on the lot next to it or block a lane of traffic because there was not enough room on the construction site itself. This gives an idea of how jammed up things were on the job site and on this street. Parking for future residents may also be a problem as there is no room for overflow parking on Mary Street. I think there should not be construction on this property. If there is construction, single family dwellings are appropriate. Apparently this is not financially feasible because a natural wetland needs to be filled in, so more money must be generated to pay for this. I heard it said that the land wasn't large enough for a subdivision but that's not a good argument for building apartments in an area where they don't fit. As you make a decision about this property today, please consider the concerns I have raised as to the appropriateness of the builder's request: (1) This swampy land is natural to the area. (The University created a big flood when they began construction of their athletic building.) (2) Proposed construction doesn't visually fit the existing neighborhood. (3) Mosquito control is not a zoning issue. (4) Increased traffic will make Marty Street more dangerous. At the Planning Commission Meeting, I did not hear any suggestions to attach conditions to the builder's request should it be approved. If you do approve this use of the property, please attach conditions to address the following: (1) The streetscape, including placement of dumpsters, the retaining pond, and landscaping, (2) Adequate parking for apartment residents and their guests, (3) Parking for construction vehicles and accessibility of Mary Street for normal use during construction, (4) Overall appearance of the building with adequate land around it so it is visually appealing and limited to two not three stories. I understand it was argued that the new three-story building will sit no more than 5 feet higher than the apartment building next door, but since that building doesn't visually fit the neighborhood, new construction should not be compared to it. Thank you for your attention to the facts and opinions I have presented."

A **MOTION** was made by Councilman Vickers to approve the request as presented to rezone 1.56 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M) as requested by Jim Sineath. Councilman Carroll seconded the motion. Councilman Vickers stated that some of the issues that Ms. Mayer raised should be addressed when they apply for a permit which is how those issues should be addressed. Matt Martin stated that many of the concerns raised by Ms. Mayer are valid and one of the fundamental differences is that the existing apartment complex was built before the LDR took effect. There are some development requirements that are applicable to this project that were not applicable to the first apartment complex and that includes landscaping in particular and dumpster requirements as to where they are located and how they are screened. By virtue of the Code that we are now operating under, this new building will look a lot different and much better than the existing apartment building. The retention pond will also be landscaped. The motion was unanimously adopted (6-0) to enact Ordinance No. 2011-19, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-20, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone 0.29 acres from Highway-Commercial (C-H) to Single-Family Residential (R-6) as requested by Mikel Wisenbaker (File No. VA-2011-13). The property is located at 111 Wells

Street. The Planning Commission reviewed this request at their May Regular Meeting and recommended approval (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that Mikel Wisenbaker is requesting to rezone 0.29 acres from Highway-Commercial (C-H) to Single-Family Residential (R-6). The property is located at 111 Wells Street which is along the east side of the road between Floyd Street and West Hill Avenue. The property is currently developed with a single-family residence that has been abandoned for approximately two years, and was a non-conforming use in C-H zoning. With the applicant as the contractor, the owner is proposing to restore the property for residential use and this requires rezoning to a residential classification. The property is located within an Established Residential Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-6 zoning. The property is also located within the local Historic District and is on the southern edge of the Fairview historic neighborhood. Since there are no exterior alterations proposed for the existing building, there is no review required by the Historic Preservation Commission (HPC). This property has been zoned C-H for many years but has always been used for single-family residential. There are several other C-H properties in the nearby area that have also only been used for single-family and all of them have been grandfathered in as non-conforming uses with this commercial zoning. Since the property has been abandoned/vacant for so long, it has lost its grandfathering status and must be rezoned in order to be re-used for residential. It has very little value for non-residential usage since there is no room on site to install parking spaces which are adequate for commercial usage or even professional offices. The development pattern along Wells Street is definitely residential and not commercial. C-H zoning has long been an intrusion into this neighborhood area, and it is even non-compliant with the Established Residential Character Area as depicted in the Comprehensive Plan. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power, and recommended approval. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (9-0 vote).

Mikel Wisenbaker, 3555 North Crossing Circle, spoke in favor of the request. Mr. Wisenbaker stated that he represented David Hunter from Bainbridge who purchased the property out of foreclosure with the intent of restoring it to its original use. Mayor Fretti inquired as to whether there was anything in the C-H zoning that was preventing Mr. Hunter from doing what he wanted to do with it or was it just for protection. Mr. Wisenbaker stated that his plans were to restore it back to a residential home because he was not aware that it was zoned C-H when he bought it.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Ordinance No. 2011-20, an Ordinance to rezone 0.29 acres from Highway-Commercial (C-H) to Single-Family Residential (R-6) as requested by Mikel Wisenbaker, the complete text of which will be found in Ordinance Book XII.

ORDINANCE NO. 2011-21, AN ORDINANCE FOR TEXT AMENDMENTS TO LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 106 - Definitions, Chapter 218 - Use Regulations, Chapter 202 - General Provisions, Chapter 222 - Off-Street Parking Standards, Chapter 206 - Base Zoning Districts, Chapter 230 - Sign Regulations, Chapter 210 - Overlay Zoning Districts, Chapter 242 - Zoning Procedures, Chapter 214 - Standards Applying to All Districts, and new Chapter 212 - Planned Development Approval as requested by the City of Valdosta (File No. VA-2011-14). The Planning Commission reviewed this at their Regular May Meeting and recommended approval (9-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is proposing to amend the City's Land Development Regulations (LDR) to institute new provisions for Planned Development Approval and to entirely delete the CSD, MXD, R-I and TND zoning districts and references thereto. These proposed Amendments are divided into 13 groups. The Amendments will add a new Chapter 212 - Planned Development Approval, and amend nine other existing chapters, as well as result in the amendment of Appendices and a significant update to the Table of Contents. The existing chapters being amended are as follows: (1) Chapter 106 – Definitions, (2)

Chapter 202 - General Provisions, (3) Chapter 206 - Base Zoning Districts, (4) Chapter 210 - Overlay Zoning Districts, (5) Chapter 214 - Standards Applying to All Districts, (6) Chapter 218 - Use Regulations, (7) Chapter 222 - Off-Street Parking Standards, (8) Chapter 230 - Sign Regulations, and (9) Chapter 242 - Zoning Procedures. The most significant portion of these Amendments is the addition of Chapter 212 - Planned Development Approval. This is a completely new process for the review of proposed Planned Developments which will be approved based on a master plan and a set of conditions. It will not be a zoning change (not an amendment to the official Zoning Map) but instead will be much like a Conditional Use approval that can be utilized anywhere in the City. The range of uses and development densities of a Planned Development will be based on the existing zoning that is already in place for the subject property. The main purpose of the new provisions is to allow flexibility in the design and development standards for a particular project that could not otherwise be developed under conventional zoning standards. This would be particularly useful for properties that are otherwise hard-to-develop because of irregular shape or limited frontage. In exchange for these flexibilities, the project must exhibit a more creative and innovative site design with some development standards perhaps being a little higher (such as increased landscaping and better architecture) than the minimums required under conventional zoning. Unlike past attempts at having Planned Developments being tied to their own specific zoning district (such as PRD and PMD), Staff believes this new process will allow much greater flexibility in terms of site design, conditions of approval, and even the ability to still develop the property under the original zoning without having to rezone the property again. This new process will also allow an approval to expire automatically (just like a Conditional Use) if the project is not begun by a prescribed date without having to go through the zoning review process again. Aside from a few minor changes to add language clarity, the rest of the Amendments are mainly a large series of deletions in order to effectively eliminate the four "specialty" zoning districts listed above. These four zoning districts were created as a result of the LDR adoption 1½ years ago and there has only been one zoning request involving these districts. Each of these districts has its own development standards and they somewhat limit the level of creativity that is possible with these kinds of developments. In effect, the new Planned Development Approval process will take the place of these four zoning districts and will add a much greater level of flexibility that we are striving for in our development regulations. Also, in Section 212-2(B) there will be some minor changes. The Planned Developments shall closely conform to allowable uses and applicants may also request the approval of land uses which are deemed less intensive than the allowable uses of the existing uses of the existing zoning district. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their May 31, 2011 meeting, found it consistent with the Comprehensive Plan, and recommended approval (9-0 vote).

Bill Slaughter, 6926 Simpson Road, Hahira, spoke in favor of the request. Mr. Slaughter stated that he was also a proud business owner in the City of Valdosta at 405 St. Augustine Road. Mr. Slaughter stated that this Text Amendment came out of a lot of discussion with developers, architects, and stakeholders in the construction industry in the City of Valdosta. They wanted to try to improve the LDR and make it a little easier to work with and this is what they came up with from a development view. Mr. Slaughter thanked Larry Hanson, City Manager, Mark Barber, Deputy City Manager of Administration, Matt Martin, Planning and Zoning Administrator, and Councilman Carroll for their work and initiative in bringing forward information to the SORT Committee and helping them to work through the LDR. Mr. Slaughter asked for Council's consideration in approving the request.

Sue Cox, 310 North Patterson Street spoke in favor of the request. Ms. Cox stated that she was the owner of Covington's and was Chairman of the Chamber of Commerce's SORT Committee. Ms. Cox stated that she appreciated the business approach that the City has had, the open door, and all of the assistance.

No one spoke in opposition to the request.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2011-21, an Ordinance for Text Amendments to the Land Development Regulations (LDR) for Chapter 106 - Definitions, Chapter 218 - Use Regulations, Chapter 202 - General Provisions, Chapter 222 - Off-Street Parking Standards, Chapter 206 - Base Zoning Districts, Chapter 230 - Sign Regulations, Chapter 210 - Overlay Zoning Districts, Chapter 242 - Zoning Procedures, Chapter 214 - Standards Applying to All Districts, and new Chapter 212 - Planned Development Approval as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2011-9, A RESOLUTION AUTHORIZING THE APPROVAL AND ACCEPTANCE OF THE POLICIES AND PROCEDURES, THE MBE/WBE PLAN, AND THE AFFIRMATIVELY FURTHERING FAIR HOUSING PLAN FOR THE COMMUNITY HOME IMPROVEMENT PROGRAM (CHIP)

Consideration of a Resolution authorizing the approval and acceptance of the Policies and Procedures, the MBE/WBE Plan, and the Affirmatively Furthering Fair Housing Plan for the Community Home Improvement Program (CHIP) Grant No. 2011-828. The Resolution was postponed by Mayor and Council at the May 5, 2011 regular Council Meeting until the June 9, 2011 regular Council Meeting.

Mara Register, Assistant to the City Manager, stated that the City has been involved with the Community Home Improvement Program (CHIP) from the Georgia Department of Community Affairs (DCA) since 1998 and has successfully managed activities such as down-payment assistance, rehabilitation assistance, and reconstruction assistance. For each of these activities, the City developed policies and procedures that were approved by DCA and led to successful program implementation. As a special condition of grant award, DCA requires that the CHIP Program documents be approved by Resolution of the governing body of the grant recipient. There were two specific changes made by Staff which came from discussion at the Work Session. The first change was on the Affirmative Fair Housing Marketing Plan. On the price range of units post rehabilitation or post reconstruction, they will be valued equal to or over the amount of Federal funds injected into the specific project. The second change was on the Policy and Procedures and they have reduced the affordability period of ten years for the homeowners to six years which will now match the Community Development Block Grant (CDBG) Program and the CHIP Program. There will now be a lesser amount of time that they have to worry about the lien that is placed on the property for recapture of the Federal funding. Mara Register recommended that Council approve the Resolution.

A MOTION by Councilman Wright, seconded by Councilman Payton, was unanimously adopted (6-0) to enact Resolution No. 2011-9, a Resolution authorizing the approval and acceptance of the Policies and Procedures, the MBE/WBE Plan, and the Affirmatively Furthering Fair Housing Plan for the Community Home Improvement Program (CHIP), the complete text of which will be found in Resolution Book V.

ORDINANCE NO. 2011-14, AN ORDINANCE TO AMEND THE CITY OF VALDOSTA'S CHARTER TO RE-DEFINE CITY COUNCIL DISTRICTS AS REQUIRED FOR RE-APPORTIONMENT BASED UPON THE 2010 CENSUS

Consideration of an Ordinance to amend the City of Valdosta's Charter to re-define City Council Districts as required for re-apportionment based upon the 2010 Census. (Second Adoption)

Larry Hanson, City Manager, stated that the proposed Ordinance is to amend the Charter as to the revised Election Districts based upon the 2010 census. The City met in early May with the State Re-apportionment Office in Atlanta to create new Council Districts as required following each Census. A map has been prepared that complies with all requirements and following approval by Mayor and Council, amendment of the City Charter, and approval of the Justice Department, it will become effective for the 2011 municipal elections as required by law. The Home Rule Act provides that not only must there be two readings at consecutive regular Council Meetings there must be two adoptions for the Charter change to be effective. An ad must appear once a week for three weeks within a period of 60 days immediately preceding its final adoption. The ad ran in the Valdosta Daily Times beginning on May 14th, May 21st, and May 28th. The Ordinance was adopted by Mayor and Council at the May 19th Council Meeting and following the second and final adoption, a package will be sent to the Justice Department in Washington, D.C. and they will have 60 days to review the information. The City of Valdosta has been very fortunate in that it grew substantially during the last decade by approximately 11,000 residents. The new population of 54,518 set an ideal District size of 9,086 per District and that is to respect the one person one vote requirement. Based upon this growth, District 4 was high as 12,345 and District 2 as small as 7,986 so there was a wide range with District 4 being 36% above the ideal number and District 2 being 12% below the ideal number. District 5 was 11% below the ideal number and District 6 was 8% below the ideal number. The goal was to have all of the Districts within 5% of one another and no greater than a 10% deviation largest to smallest. In addition, there must be three majority minority Districts. They were successful in adopting a new map which met all of those requirements and all of the Districts are now within 5% of that ideal size of 9,086. The largest District we now

have is 9,398 which is District 5 and the smallest is 8,805 which is District 3. Larry Hanson recommended that Council approve the Ordinance for the second and final adoption. Mayor Fretti stated that the map can also be found on the City's website and inquired as to who should be contacted if a citizen had a question. Larry Hanson stated that the purpose of the three required advertisings, two adoptions, posting the map in the foyer at City Hall for the past 30 days, and having it on the web site is so that if there are any citizen concerns or objections that they would be voiced here first so that we could examine those and address them. We have not received any complaints, objections, or concerns but a citizen would have the right to contact the Justice Department if they did have a concern.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Ordinance No. 2011-14, an Ordinance to amend the City of Valdosta's Charter to re-define City Council Districts as required for re-apportionment based upon the 2010 Census, the complete text of which will be found in Ordinance Book XII.

AN ORDINANCE PROHIBITING SWEEPSTAKES PARLORS IN THE CITY OF VALDOSTA (FIRST READING)

Consideration of an Ordinance prohibiting Sweepstakes Parlors in the City of Valdosta. (First Reading)

Police Chief Frank Simons stated that since 2006, companies have developed electronic machines and devices to entitle customers a chance to win "Sweepstakes" through the purchase of token services or products such as Internet service, telephone cards, and office supplies, among other products. With daily advances in electronic and computer technology, illegal gaming has evolved from readily apparent methods to more veiled and camouflaged schemes. These businesses appear to represent a pre-textual attempt to import illegal gambling into the City. Certain companies are advertising on the Internet that these Sweepstakes are legal in the State of Georgia (see www.cashoutgaming.com) and these websites explain how to evade the gambling laws in States such as Georgia by establishing Sweepstakes Parlors. The owners and operators of such Sweepstakes Parlors contend that no gambling is occurring at the Parlor; however it is the opinion of the City, the District Attorney, and the State Attorney General that such businesses are in fact a form of gambling and prohibited by state statute. Nonetheless, there are businesses currently operating in the state of Georgia and many cities are now establishing moratoriums, repealing licenses that were issued, or waiting on the State to pass new legislation to more directly clarify that such businesses are not legal. In most of the businesses currently operating in other areas, the sale of goods or services to patrons appears to be no more than a subterfuge for promoting gambling on the premises. We believe that any business model that requires a sale of goods or services to patrons to enable them to participate in an activity that mimics gambling is in fact gambling. For gambling in the State there are three distinct elements which are consideration, give something of value in order to play, and you have to have a chance to win something such as a prize or something worth value. When those three elements are presents you have gambling and unless there is an exception such as the State lottery which is exempt that is illegal. We believe that requiring a patron to buy a service or product in order to have access to the Internet for the purpose of engaging in a game of chance this fits the definition of gambling. We think it is in the best interest of the City and the citizens of the City that this activity that we believe to be illegal not be allowed. A number of jurisdictions around the United States either have passed or are contemplating the passage of laws, statutes, or ordinances banning or prohibiting such Sweepstakes Parlors. Recently the Georgia Legislature adopted H.B. 164 which provides for the regulation of amusement machines and computerized sweepstakes devices that provide redemptions, and further define the extent of local government regulation of those businesses. Governor Deal vetoed this legislation, due to concerns about some of the language, however he has indicated this issue will be added to the special session of the Legislature scheduled for August. The Mayor and Council approved a 120-day moratorium on Sweepstakes Parlors in the City of Valdosta on March 10, 2011 in order to have sufficient time to analyze that impact of Sweepstakes Parlors and to consider whether further regulation of such Sweepstakes Parlors is necessary. The Moratorium will expire on July 10, 2011 and this Ordinance prohibits certain practices of Sweepstakes Parlors and the issuance of business licenses to entities that engage in the same in the City of Valdosta. It also reinforces the City's consistent position that such businesses are not legal and will not be allowed to operate in the City of Valdosta. The City's position that such businesses are a form of gambling is shared by the District Attorney and the Attorney General for the state of Georgia. Those opinions were provided to you when the Moratorium was adopted. Chief Simons recommended that Council give favorable consideration to the Ordinance that prohibits Sweepstakes Parlors in the City of Valdosta. Mayor Fretti stated that this was the first reading and no action will be taken.

RESOLUTION NO. 2011-10, A RESOLUTION TO ADOPT AN AMENDMENT TO THE MARCH, 2007 GREATER LOWNDES SOLID WASTE MANAGEMENT PLAN

Consideration of a Resolution to adopt an Amendment to the March, 2007 Greater Lowndes Solid Waste Management Plan.

Larry Hanson, City Manager, stated that the Pecan Row Landfill reached its capacity in 2010 and was closed. The Evergreen Landfill then began to receive waste and continued in operation to finish out the number of years left in the Agreement. Due to this being a major change, the Georgia Department of Community Affairs (DCA) required a Resolution to be adopted approving an Amendment to the March, 2007 Greater Lowndes Solid Waste Management Plan. On October 12, 2010, the Lowndes County Board of Commissioners approved a Resolution adopting the Amendment to the March, 2007 Greater Lowndes Solid Waste Management Plan (see attached Resolution and Amendment). The Amendment was then transmitted to the Southern Georgia Regional Commission and DCA for review and compliance. DCA has reviewed the Amendment and found that it adequately addresses the Minimum Planning Standards and Procedures for Solid Waste Management. In order for DCA to send out eligibility letters, all of the municipalities involved in the Plan (Lowndes County, City of Valdosta, City of Hahira, City of Lake Park, City of Dasher, and the City of Remerton) must approve a Resolution adopting the Amendment to the March, 2007 Greater Lowndes Solid Waste Management Plan. Larry Hanson recommended that Council approve the Resolution.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Resolution No. 2011-10, a Resolution to adopt an Amendment to the March, 2007 Greater Lowndes Solid Waste Management Plan, the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Mayor Fretti asked Council to consider Agenda Items 6(a) through 6(h) under a Consent Agenda. Greg Brown, Purchasing Agent, informed Council that all of the items up for bid were approved by Council in the current year budget and asked Council's consideration in following the recommendation of the Purchasing Agent if all of the following bids were accepted at one time: (1) Item 6(a) - Consideration of bids for oils and lubes for the City of Valdosta (Bid No. 20-10-11) – the only bid was submitted Akins LLC (current supplier) at cost plus 18% mark up on package goods and a 15% mark up on bulk items, (2) Item 6(b) - Consideration of bids for the Annual Filter Contract for the City of Valdosta (Bid No. 21-10-11) – the low bid submitted by NAPA (current supplier) was 57.5% discount off of jobber price, (3) Item 6(c) - Consideration of bids for the Electrical Services Contract for the City of Valdosta (Bid No. 23-0-11) – the low bid was submitted by Cowart Electric Cowart Electric (current supplier) in the amount of \$30.00 per hour for an electrician and \$28.00 per hour for the electrician helper, (4) Item 6(d) Consideration of bids for the Air Conditioning Services Contract for the City of Valdosta (Bid No. 24-10-11) – the only bid was submitted by Waller Heating & Air (current supplier) in the amount of \$40.00 an hour, (5) Item 6(e) - Consideration of bids for the gas and diesel fuel contract for the City of Valdosta (Bid No. 25-10-11) – the low bid was submitted by Mansfield Oil (current supplier) in the amount of \$.0693 for the freight rate and profit margin for a gallon of gas and diesel combined, (6) Item 6(f) - Consideration of bids for the hand tool contract for the City of Valdosta (Bid No. 26-10-11) – the low bid was submitted by the Fastenal Company in the amount of \$12,712.88, (7) Item 6(g) - Consideration of bids for janitorial supplies for the City of Valdosta (Bid No. 27-10-11) – the low bid was submitted by Catko in the amount of \$19,410.88, (8) Item 6(h) - Consideration of bids for ready mix concrete for the City of Valdosta (Bid No. 29-10-11) – the low bid was submitted by Scruggs Concrete in the amount of \$79.90 for Class A and \$73.90 for Class B.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to follow the recommendation of the Purchasing Agent and approve the bids under a Consent Agenda for Agenda Items 6(a) through 6(h).

Consideration of bids for the redevelopment and rehabilitation of Wells 6 and 7.

Henry Hicks, Utilities Director, stated that in 2010, the Georgia Department of Natural Resources Environmental Protection Division (EPD) performed routine Micro Particulate Analyses (MPA) to determine if any

of the wells permitted at the City's Water Treatment Plant were coming under the influence of surface water. Wells 4, 6, and 7 were found to be under the direct influence of surface water ranking very high to moderate for the direct influence of surface water. In most circumstances, this would dictate their removal from service or the conversion of the treatment processes to meet surface water treatment criteria. The Utilities Department contacted EPD with the following proposal. The Utilities Department would completely abandon and fill Well 3 which had been taken out of service several years ago because of surface water issues and was thought to be providing a direct conduit for surface water intrusion into other wells. Following this, Well 4 would be redeveloped first to determine its condition as well as whether the plugging of Well 3 had stopped intrusion of surface water into this well. If successful on the redevelopment on Well 4, Wells 6 and 7 would also be redeveloped following Well 4. The EPD agreed to this proposal. Well 4 was evaluated and redeveloped this past year and the old, severely deteriorated and leaking steel casing was replaced with a new stainless steel casing. Water quality testing after redevelopment clearly showed that intrusion of surface water into Well 4 had ceased. The original MPA evaluation ranking of Well 4 by the EPD for the direct influence of surface water was 20 (very high) and was now zero. The total Organic Carbon level decreased as well. Well 4 was finally cleared for use after successfully completing ten consecutive days of bacteriological testing and will be back into service on May 27, 2011. In order to comply with the previously agreed remediation proposal with the EPD, the Utilities Department directed Camp Dresser & McKee Inc. (CDM) to prepare a bid package that included specifications for means and methods for the evaluation of Wells 6 and 7, testing, and rehabilitation including groundwater sampling and geophysical logging. This bid was advertised in the Valdosta Daily Times for Raw Water Production Well Rehabilitation for Wells 6 and 7 on April 1, 2011 and advertised for a second time on April 15, 2011 in accordance with the Georgia Environmental Facility Authority (GEFA) requirements. Bids for this package were received and opened publicly at the City of Valdosta on May 4, 2011. Bids were received from Rowe Drilling Company and GIC Water Systems. Rowe Drilling Company provided the lowest base bid for rehabilitation work for Wells 6 and 7 for a total price of \$405,046. The Utilities Department therefore recommends Rowe Drilling Company as the lowest responsive and responsible bidder with a total base bid value of \$405,046. The total base bid for GIC Water Systems was \$405,222.00. The difference in the two bids is \$176. Henry Hicks recommended that Council approve the low bid submitted by Rowe Drilling in the amount of \$405,046.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the low bid submitted by Rowe Drilling in the amount of \$405,046 for the redevelopment and rehabilitation of Wells 6 and 7.

Consideration of bids for replacement of a culvert on Park Avenue at One Mile Branch.

Pat Collins, City Engineer, stated that portions of the City upstream of Park Avenue on One Mile Branch are subject to flooding during extreme rainfall. The City was successful in obtaining assistance from the Georgia Department of Transportation (DOT) to construct a culvert replacement on Park Avenue at One Mile Branch. An agreement was signed in November, 2008 to execute Right-of-Way agreements, and a formal work order was issued February 22, 2010. This project will relieve some of the flooding by constructing an extra barrel for the channel flow. Under terms of the agreement, the City advertised and awarded the construction project. The Georgia Department of Transportation (DOT) will provide materials testing and will provide payments to the City on a monthly basis based on the completed work. The Department total, based on the bid amount, is \$177,791.53. On May 17, 2011, the City opened sealed bids on the project. Radney Plumbing was the low bidder with a total of \$283,530. The Engineer's estimate was \$274,832. The difference is due to inflated construction costs in the period between the estimate and the bid opening. Pat Collins recommended that Council approve the low bid submitted by Radney Plumbing in the amount of \$283,530 plus 10% contingency.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the low bid submitted by Radney Plumbing in the amount of \$283,530 plus a 10% contingency for replacement of a culvert on Park Avenue at One Mile Branch.

LOCAL FUNDING AND REQUESTS

Consideration of a request for final payment on the Mud Creek Treatment Plant Closed Circuit Television (CCTV) Interceptor Project.

Henry Hicks, Utilities Director stated that the sanitary sewer system has significant stormwater and ground water infiltration and inflow (I&I) problems. A 30-year replacement and rehabilitation plan was completed by Camp Dresser McKee, Inc. (CDM) in January, 2010 as part of its Sanitary Sewer System Condition Assessment and Criticality Report. The assessments and cleaning of the Knights Creek and Mud Creek interceptors utilizing closed circuit televising (CCTV) technology were identified as two of the five projects to be completed in the first five years of the 30-year plan. This assessment is necessary to determine what methods of rehabilitation or replacement will be needed to eliminate I&I in both of these main trunk lines leading to the Mud Creek Treatment Plant. The City of Valdosta has committed to the Georgia Environmental Protection Division (EPD) to undertake this work as parts of its sewer system rehabilitation plan through 2013. The scope of the assessment portion for this work was broken into two parts: (1) CCTV evaluation of the interceptors, and (2) an allowance for heavy cleaning of these lines as well as access into swampy areas, traffic control, and by-pass pumping in order for CCTV work to take place. On October 7, 2010, the Mud Creek interceptor work was awarded to Video Industrial Services, Inc. at the base bid of \$118,787.50 with an allowance of \$44,000 for access to swampy areas, heavy cleaning, traffic control, and by-pass pumping. The Knights Creek interceptor CCTV work was awarded to CaJenn Construction and Rehabilitation Services at a base price of \$121,775.50 with an allowance of \$52,000 for access to swampy areas, heavy cleaning, traffic control, and by-pass pumping. The final cleaning costs of the Mud Creek line by Video Industrial Services was higher than anticipated. As stated above, it was estimated at \$118,787.50 with another \$44,000 for heavy cleaning. The final bill came in at \$215,025.89 due to more heavy cleaning than expected on the 16 to 26 inch pipe, the hourly rate for heavy cleaning, deeper than expected manholes, and swamp access. This additional work came to a difference of \$52,238.39. While this is higher than projected, it is important to note that this interceptor has never been cleaned. The results of the CCTV evaluation found the pipe to be in good shape and we had only a few manhole issues that will be bid out for repairs once the Knights Creek Interceptor CCTV work is completed by CaJenn Construction and Rehabilitation Services. Henry Hicks recommend that Council approve the final payment in the amount of \$215,025.89 on the Mud Creek Treatment Plant Closed Circuit Television (CCTV) Interceptor Project. Mayor Fretti inquired as to whether the video is kept. Henry Hicks stated that the Utilities Department will keep the video and place it in the computerized maintenance management system and it will tied into manholes and sections of pipe between manholes as they move down the line. The video will be placed on a CD as well as a hard drive and server.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the final payment in the amount of \$215,025.89 on the Mud Creek Treatment Plant Closed Circuit Television (CCTV) Interceptor Project.

Consideration of a request to accept a Deed from the Bray Company to the City of Valdosta for property located on Green Street.

Mara Register, Assistant to the City Manager, stated that the Attorney for the Bray Company, Mr. Daniel Schert, contacted the City expressing the Company's wishes to deed the property located at Map/Parcel 0118B 351 to the City of Valdosta. Mr. Pat Collins, City Engineer, and Ms. Emily Davenport, Stormwater Superintendent, inspected the property and found that it had potential benefits to the City's stormwater system. The .32 acre parcel is located on Green Street adjacent to City-owned property. Staff has reviewed the Stormwater Master Plan in conjunction with the proposed donation of this property and found that it has the potential to assist with one of the recommended improvement projects in this area. It is located adjacent to City-owned property and staff believes it is in the City's best interest to accept the proposed property donation. Mara Register recommended that Council approve the request to accept a Deed from the Bray Company for the property located on Green Street.

A MOTION by Councilman Norton, seconded by Councilman Wright, was unanimously adopted (6-0) to accept a Deed from the Bray Company to the City of Valdosta for property located on Green Street.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of appointments to the Valdosta-Lowndes County Parks & Recreation Authority. The appointments were postponed by Mayor and Council at the May 5, 2011 regular Council Meeting for 30 days in order to gather some additional information.

Larry Hanson, City Manager, stated that the Parks and Recreation Authority has two members, Dave Christian and Larry Tobey, whose terms will expire on June 30, 2011. Mr. Tobey's appointment is the rotating appointment which was first appointed by the County and is now the City's appointment. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. Dave Christian and David Vondersmith have withdrawn their applications and the other applicants for consideration, in no order of preference, are as follows: (1) Kathy Brunot - Grants Administrator, City of Valdosta, (2) Sarah Denton - Reporter, Valdosta Daily Times, and (3) Suzan Griner Prince - Public Relations Manager, Prince Automotive Group. Councilman Vickers stated that Councilman Yost had recommended at the Work Session that this be postponed and re-opened for acceptance of applications. Councilman Yost was concerned about one of the applicants being a City employ and being put in this kind of position. Councilman Carroll stated that there have been a couple of applicants drop out and he would be supportive of a re-opening; however, he would like to have this done within a week and then place it on the June mid-month Council Meeting Agenda. Larry Hanson stated that based upon the Boards, Commissions, Authorities, and Advisory Committees Policy, it should be re-opened for 30 days and then acted on 30 days from now to give proper and adequate time for the public to be aware and submit applications for your consideration. Councilman Carroll stated that would be fine.

A MOTION by Councilwoman White, seconded by Councilman Norton, was unanimously adopted (6-0) to postpone the appointments to the Valdosta-Lowndes County Parks & Recreation Authority for 30 days and re-open the application process.

Consideration of an appointment to the Zoning Board of Adjustments & Appeals. The appointment was postponed by Mayor and Council at the May 5, 2011 in order to re-open the application process.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes Zoning Board of Adjustments & Appeals has one member, Allan Strickland, whose term will expire on May 7, 2011. Mr. Strickland has expressed an interest in serving again. A memorandum from Matt Martin, Planning and Zoning Administrator, indicates that the Zoning Board of Adjustments & Appeals has endorsed Mr. Strickland's reappointment. This appointment was re-advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants for consideration, in no order of preference, are as follows: (1) Vincent Brown - Senior Pastor, the Outlet Christian Life Worship, Center, Inc., (2) William A. Branham - Founder/Chairman/CEO, 21st Century Telecom, Inc., and (3) Allan Strickland, Owner of General Rental Center.

Mayor Fretti asked for nominations. Councilman Vickers placed in consideration the name of Allan Strickland. There being no other nominations, Mayor Fretti closed nominations. Allan Strickland was reappointed by acclamation to serve a term of three years on the Zoning Board of Adjustments & Appeals.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the City has been successful in obtaining a Transportation Efficiency Act Grant from the Georgia Department of Transportation in the amount of \$250,000. This will be used to extend the Streetscape Project in the Downtown area as well as the Martin Luther King, Jr. (MLK) Corridor Project north.

We also learned this week that we have received a Federal Aviation Administration Grant in the amount of \$800,000 for a new fire station and fire rescue vehicle for the Valdosta Regional Airport. We had an issue today with the fire rescue vehicle at the Airport which had a small mechanical problem with a sensor. It was reading that the pressure was low so they called Moody Air Force Base for assistance. Their truck was enroute and ASA made the decision not to allow the plane to take off from Atlanta so that particular flight was cancelled. The fire rescue vehicle is approximately 15 years old and this demonstrates that this grant is very timely.

The Municipal Auditorium Steering Committee will meet tomorrow morning at 10:30 a.m. at the Annex Building. It will take approximately one year to do all of the necessary due diligence but this will be a very exciting project.

The City, County, and Moody Air Force Base will be working together collaboratively on a 10th Anniversary 9-11 Memorial Service that will take place on September 11th at the Courthouse. This will be a very special occasion and is certainly something we need to memorialize and always remember.

Larry Hanson stated that the Southern Hospitality Group Work Camp will be held June 26th through July 2nd and there will be 370 young people from all across the United States in our City working to repair homes. They will repair 36 houses in our City in four and one-half days. Larry Hanson encouraged Council to participate in the Opening Ceremony, the Closing Ceremony, or visit some of the sites as they are doing their work.

COUNCIL COMMENTS

Councilman Payton inquired as to when the next Municipal Auditorium Steering Committee Meeting will be held and what the status is on the MLK, Jr. Corridor Project. Larry Hanson stated that the next Municipal Auditorium Steering Committee Meeting will be held on June 10, 2011 at 10:30 a.m. and one of the first things they will do will be to elect a Chairperson. They will also decide the date, time, and frequency in which to hold their future meetings. As far as the MLK, Jr. Corridor Project, they are making progress but there has been somewhat of a delay. The power poles have been set and Georgia Power and Mediacom have both relocated their utilities; however, we are waiting for AT&T to relocate some of their major trunk lines. The City Staff met with AT&T today to try and find out when their lines would be relocated from the old poles to the new poles. Pat Collins, City Engineer, stated that once they do get it mobilized it will take six to eight weeks to make the actual transfer from the south side to the north side. There is a stalemate with AT&T and we are putting as much pressure on them as possible. The City Attorney is also looking into the matter. Larry Hanson stated that they are looking at other ways to reopen the road while this issue is being addressed. We are hopeful that it will not take that long because one of the things that the City did on this project was to install conduit underneath the street so that the lines will go under what has already been put down. City Staff also met with Georgia Power today and they explained that under the laws of the State of Georgia and the Public Service Commission each of these utilities actually has 60 days. They start at the top of the pole and that utility moves their line and then the next one has 60 days. It is AT&T's turn and the City may not have any legal recourse to accelerate that because under the laws of the Public Service Commission they each have 60 days when an event like this occurs. George Talley, City Attorney, has been in contact with their legal officials in Atlanta and we are pushing administratively to get this moving. Councilwoman White stated that she has received a lot of phone calls about this Project and to the neighborhood it seems like it has been abandoned and it is at a standstill. People will come in and work for two days and then they are gone for weeks at the time. No one knows what is going on. Councilwoman White inquired as to what can be done to get the word out to the neighborhood about what is going on, what they can expect, and whether there is any way the street can be opened up. Pat Collins stated that they are working on a plan and will communicate to the people as quickly as possible. There are some things that need to be completed before they can repave and as soon as that list of items is completed they can finish the roadway. Councilwoman White inquired as to whether this would be done prior to the AT&T work. Pat Collins stated that was correct but the problem is that when AT&T does come in they will have to reclose the road again until they relocate the line and they do not want to inconvenience the residents. Councilwoman White stated that from what she has been hearing from the residents that might be less of an inconvenience than what it is now. Pat Collins stated that over a year and a half ago, Staff met with all of the utility companies to discuss what would be necessary to move the utilities and how it would be done. They all walked the route including AT&T and they are trying to get AT&T moving on this. Councilwoman White requested that they move as quickly as possible to communicate with the neighborhood and businesses and take some action in opening the road for access.

CITIZENS TO BE HEARD

John Robinson, 3227 San Juline Circle, Lake Park, Georgia, stated that he was asked by the President of the Black Business Association to ask each of the Council members on an individual basis to submit something in writing expressing their opinion as a Council member as to what constitutes a conflict of interest in relation to the position that they hold. Mr. Robinson stated that because of some of the endeavors that they are involved in they have gotten a few mixed signals. They are addressing some of the same issues and had some people call their office and say they have not been getting return phone calls. There are also a lot of problems at the Martin Luther

King, Jr. Corridor Project and everyone understands that because the infrastructure is old; however, it is taking too long and people are getting very frustrated. They need the Council to show more interest in this Valdosta Small Emerging Business Program (VSEB) Program because people are hurting. They feel like a lot of times people are playing games and are lying to them and manipulating them. They would like to work together but there seems to be distinct lines drawn between the City and County. Both the City and County have appointed members to the Industrial Authority but when the Authority does the recruiting it seems like they are left out of the equation. They are trying to work along those lines and work together to get people back to work and get some money on the south side of town. There is always development on the north side of town but at least they are working together. We do not have to like each other or love one another but we do have to live in this world until we depart this world. We can make it good or bad with one another and there is no one greater than the other. There is no power that he has or you have because of the positions that we hold in life. Mr. Robinson stated that he believed things would work out good if they all work together and asked that Council provide something in writing expressing how they feel as individual Council members so that they can understand how their minds are as far as conflict of interest for the position that they hold.

George Boston Rhynes, 5004 Oak Drive, stated that when he looks at the Agenda for the City and he sees Citizens to be Heard as the last item on the Agenda, it seems like it is to control the citizens. To him it is to suppress the information that comes from the general public. There is a possibility that someone may see it as a nuisance for people to come at the beginning of the meeting and present their problems within the community. God allowed him to be the one to see the 1860 Charter in the hallway and ask that it be removed in 2004 because it talked about suppression and abatement of people. Mr. Rhynes stated that he has no other alternative as a person of average intelligence to believe that the mentality of that Charter is still in place. He made a record tonight and took a count of the people who were at the Council meeting and he watched them leave; however, he has a record of how many are still here. Now that most of the citizens are gone, the people in the community will not know hardly anything that is brought before their elected officials. That is a fact and it does not take a rocket scientist to figure that out. Mr. Rhynes stated that he wanted them to know that he may see things differently from the rest but he wanted to make a statement tonight and see if it comes to pass. Mr. Rhynes stated that he was 100% sure this Agenda will be changed and citizens will not be the last thing on the sheet. At least before the Council member could respond to what the citizens said but now it is the very last thing and Council does not intend to respond to them. He wanted them to know that he is 100% sure that it will be changed and moved. Mr. Rhynes stated that the God he serves is going to send better Councilmen and he was not criticizing them individually but was telling them what he knows. He is going to put men and women on this Council who value the voice of the people. That is going to happen and if he did not believe that then he would believe that his 20 years in the armed forces was a waste of time. Mr. Rhynes stated that he stood before Council about a white nurse and showed them pictures but no one responded and the Valdosta Daily Times did not publish it. Only the citizens who were at the meeting heard it because Citizens to be Heard was at the beginning of the Agenda and those people went out and told people that there was a problem at the jail. Now all the people are gone so even that would not get out now. Mr. Rhynes stated that he spoke to Council about Troup Street and no newspapers, the Valdosta Daily Times, television stations, radio stations, and not even certain Councilmen who go on the radio said anything about what he brought up about the railroad tracks. Everyone in the community who cross those railroad tracks tell him that they feel like no one cares. Mr. Rhynes stated that he believes in the government and a lot of other people believe in this form of government, but if citizens do not have a voice and if you don't want to hear the citizens in this country then why are we sending our sons and daughters to foreign lands to die. Council gives the appearance, whether it is true or not, that they do not want to hear when there is talk about the railroad tracks and the jail with 30 deaths and leading the State of Georgia with jail deaths. Nobody will care enough about human life. The Valdosta Daily Times had more print coverage about dogs and the animal shelter than we have ever had about the human beings who have died in the Lowndes County jail and the inhumane conditions that he is still getting calls about.

John Quarterman, 6565 Quarterman Road, stated that he had supported Citizens to be Heard to be moved to the end of the meeting but he did not realize that it would be placed after Council Comments. It does appear that Council will never respond and he recommended that Council video tape the meetings and put them on the web so that everyone could see the proceedings. Mr. Quarterman stated that he also wanted to compliment Mayor Fretti on his speech at the commissioning ceremony of Wiregrass Solar because he said that somebody built a bigger Solar Plant in Georgia and he would like to see that one expanded. The interesting part is that apparently no one at the Industrial Authority told Mayor Fretti that in December, 2010, Dalton, Georgia already had a 350 kilowatt Solar

Plant. A few months ago before the commissioning there was a megawatt Solar Plant in Blairsville, Georgia. Mr. Quarterman stated that the Wiregrass Solar Plant in Valdosta, which he is in support of, has been leap frogged twice so that is why he is very pleased that he heard Mayor Fretti say that we are competitive here and if there is a bigger Solar Plant then that one will be expanded. Mr. Quarterman stated that is possible because at some of the Industrial Authority Meetings he has heard Allan Ricketts say that the Solar Plant can be expanded in two directions. Sterling Planet says that there is no problem adding another megawatt to the Solar Plant which would make it a 1.3 megawatt Plant and make it not only the biggest in Georgia but the biggest in the southeast. Mr. Quarterman stated that he is looking forward to hearing when the Wiregrass Solar Plant will leap ahead in the spirit of competition as enunciated by Mayor Fretti and expand another megawatt.

Mayor Fretti stated that he would need a Council member to volunteer to serve on a Committee to select a firm for a utilities rate study. The firm would study our current rates, our long range plans for capital investment, our usage, and then they would make a recommendation. This will help us to determine any type of lending or bonding that we might have to do. Councilman Vickers inquired as to whether the Committee would be made up of Staff members. Henry Hicks, Utilities Director, stated that the Committee would consist of himself, Mark Barber, Deputy City Manager of Administration, Pat Collins, City Engineer, and Jason Scarpate, Assistant Director of Utilities. Councilman Vickers recommended that Councilman Norton serve on the committee. Councilman Norton inquired as to when the Committee would meet. Henry Hicks stated that they have five Request for Proposals (RFPs) that will need to be reviewed and then one or two meetings will be scheduled to discuss the RFPs and make a recommendation. Councilman Norton stated that he would be glad to serve on the Committee.

ADJOURNMENT

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

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the June 9, 2011 meeting of the Valdosta City Council at 7:27 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:59 p.m. and stated that there was discussion of real estate in the Executive Session and there will be action taken on two items. The first action will be the sale of four parcels identified by the Georgia Department of Transportation (DOT) and the City of Valdosta to the DOT for the Hill Avenue Overpass Project at a price of approximately \$120,000 and allow the City Attorney complete the sell and finalize the details.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the sale of four parcels to the DOT for the Hill Avenue Overpass Project at a price of approximately \$120,000 and allow the City Attorney to proceed with finalizing the details.

Mayor Fretti stated that the City will need to acquire some additional property for the Fry Street Elevated Storage Tank Project. The property is .616 acres (24,000 square feet) and it has been appraised. The cost for this property is \$20,000.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to acquire .616 acres in the amount of \$20,000 for the Fry Street Elevated Storage Tank Project.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the June 9, 2011 meeting of the Valdosta City Council at 8:03 p.m. to meet again in regular session on Thursday, June 23, 2011.