

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, AUGUST 9, 2007
COUNCIL CHAMBERS, CITY HALL**

OPENING CEREMONIES

Mayor John J. Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, David Sumner, Alvin Payton, Jr., Willie Head, Jr., Robert Yost, and James Wright. Councilman John Eunice was absent. Attorney Tim Tanner was also present and was sitting in for George Talley, City Attorney, who was having surgery. The invocation was given by Sr. Pastor Darren Waters, Bridgebuilders Community Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE AUGUST EMPLOYEE OF THE MONTH

Mayor Fretti entertained a motion for the August, 2007 Employee of the Month Award.

A **MOTION** by Councilman Wright, seconded by Councilman Yost, was unanimously adopted (6-0) to approve the August, 2007 Employee of the Month Award.

Mayor Fretti presented the August Employee of the Month Award to Tara Colton, Public Works Department.

Tara Colton began her employment with the City of Valdosta in October, 1998 as Custodian and was promoted to the position of Custodian II in July, 2001 which is the position she currently holds. In her daily duties, Tara is tasked with performing maintenance functions and general housekeeping needs in City Hall and surrounding buildings. Tara takes pride in her work and sets the standard in dependability. Despite her hectic schedule, she always manages to accommodate on-the-spot requests from Department Heads each day due to unforeseeable events whether mechanical, plumbing, or electrical in nature. It is not uncommon for Tara to get a page asking for assistance in setting up the multi-purpose room or adjusting the sound system and thermostats for a seminar or training session only minutes away from starting. She handles all this with a quiet professionalism and a cheerful attitude which makes for a pleasant work environment. Her dedication to the job goes above and beyond what is expected. It is also not uncommon for Tara to come in on weekends to accomplish work assignments so as not to interrupt the day-to-day operations in City Hall. She can always be counted on to have the job done on time and done right the first time, and she is the "go to" person who keeps the facilities running smoothly. The often quoted evangelist Bob Jones, Sr. once stated, "The greatest ability is dependability." Such is the case with Tara Colton and her abilities do not go unnoticed or unappreciated. For these reasons and many others, the Employee Relations Committee nominated Tara Colton as Employee of the Month.

SPECIAL PRESENTATION OF GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (GEFA) ACHIEVEMENT CERTIFICATE

Special Presentation of Georgia Environmental Facilities Authority (GEFA) Achievement Certificate.

Mayor Fretti stated that the City of Valdosta's Water and Sewer Master Plan included replacement of small diameter piping that was laid between 1895 and 1900. The City of Valdosta applied for and received a low interest construction loan with the Georgia Environmental Facilities Authority (GEFA) for replacement of the pipes. The State has recognized the City of Valdosta for replacing 30 miles of small diameter piping and on behalf of Mayor and Council, Mayor Fretti presented the Georgia Environmental Facilities Authority (GEFA) Achievement Certificate to Leon Weeks, Director of Utilities, and thanked him for all his efforts.

The minutes of the July 19, 2007 Regular Meeting of the Valdosta City Council were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

Floyd Rose, President of the Valdosta-Lowndes County Chapter of the Southern Christian Leadership Conference, 411 Orange Street, stated that he wanted to discuss three incidents. The first incident occurred in Toledo, Ohio several years ago when a mother called him and asked if he would visit her 16-year-old son who was in a Juvenile Detention Center. He had been in a motel room when his 19-year-old friend was shot to death. Mr. Rose went to see him and told him how he had hurt his mother. The boy then told Mr. Rose that he had on a nice suit and alligator shoes and that he knew Mr. Rose lived in a big house and drove a Cadillac. He told Mr. Rose that he did not understand because when you are 16-years-old, the oldest of six children, your daddy is in prison, your mother is on welfare, and the food stamps and money run out in the middle of the month, you do whatever you have to do to survive. He then got up and left without giving Mr. Rose an opportunity to respond. Mr. Rose stated that he was at a loss for words and the reality moment for him was that there was a world out there that he knew absolutely nothing about. Because of that, he got rid of the house, the alligator shoes, and the Cadillac and moved into the heart of the inner city where his people were so that he could help them. A few years later he retired and moved to Valdosta into a house in Foxborough Subdivision. Mr. Rose then discovered that a man has to be what a man is and he moved into a house on Orange Street. Then the calls started coming. One call came from the mother of a young man who was an A-student at Valdosta State University majoring in Chemistry. He had picked up a book that did not belong to him and attempted to resell it at the bookstore. The clerk at the bookstore waited until he had left to go to class and called the Police. The young man was then arrested and handcuffed in class and taken to the Lowndes County jail. His bond was \$2,500 and the book was worth \$23. Mr. Rose went with the young man's mother to get him out of jail. When it was over, the fines and probation fees totaled \$1,100 and because she was a 27-year career teacher with the Valdosta City School System, she was able to get him out of Valdosta and took him to Atlanta where he is doing fine. The third incident is about a young girl who was a B-student at Valdosta State University who picked up a computer bag containing a cell phone that did not belong to her. She thought it belonged to a friend. When she found out who it belonged to she called the girl and told her she was going to bring it to her; however, the girl called the Valdosta State University (VSU) Police. The VSU Police interviewed her and took a statement and told her she could leave. The girl left thinking everything was fine and she had even offered to pay for any charges that might have been on the phone. When she got to work three or four days later, she was arrested, handcuffed, and taken to the Lowndes County jail where her bond was set at \$1,500. She was charged with a felony theft of service and property in the State Court. Mr. Rose stated that he wondered what happened to parents calling parents because in the past if you got into trouble then they would call your parents even if the Police were involved and they would hold you until your parents got there. They were not bent on giving you a record that would follow you. This is happening all over the country and it is not working. It does not deter anyone and it does not help the person involved. Mr. Rose thanked Councilman Vickers for intervening in some cases over the last several months. When children see violence portrayed night after night in movies and on the news and then they have a minor incident, they do not understand why they are being arrested, placed in jail, and get a record. They are demanded to get a job and then they cannot get one because of the record. Mr. Rose stated that he would like to meet with some of the corporations and talk to them about calling parents first and give the young people a chance because once they get into the system it is difficult to get out.

Percy Harris, Jr., 2611 North Forrest Street, stated that he previously spoke with Council about a multi-purpose skating rink. He now has 1,021 names on a petition in favor of the rink. He would like to get teenagers involved and off the street before they get in trouble. He would also like to use the rink for competitions where people from other cities and states would come and hold tournaments. They would stay in Valdosta hotels and eat at our restaurants which means money would be returned back to the City. Mr. Harris asked for Council's support in having a multi-purpose skating rink. Councilman Wright stated that he has discussed the multi-purpose skating rink with the City Manager and a lot is dependent upon getting SPLOST passed. Councilman Wright stated that he would continue to work with the Mayor and Council on this project and asked Mr. Harris to work with the people whose names are on the petition in order to get SPLOST passed.

AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE WITHDRAWN

Consideration of an ordinance to rezone 22 acres from Single-Family Residential (R-15) to Planned Residential Development (PRD) as requested by Mark Courson (File #VA-2007-25). The property is located on the west side of Cherry Creek Road (Staten Road) just north of Lake Laurie Drive. The Planning Commission reviewed this request at their June 25, 2007 regular meeting and recommended tabling the request for one month to allow the developers time to address and clarify the issues and concerns that were brought before the Town Hall meeting (7-0-1 vote). Mayor/Council postponed the request at the July 5, 2007 regular Council meeting for one month. The applicant has withdrawn the request.

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant has withdrawn the request.

AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE DENIED

Consideration of an ordinance to rezone .08 acres from Community-Commercial (C-C) to Multi-Family Residential (R-6) as requested by Miguel Gaspar (File #VA-2007-40). The property is located at 412 and 414 East Martin Luther King Drive. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended approval of Single-Family Residential (R-6S) zoning (7-2 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .08 acres from Community-Commercial (C-C) to Multi-Family Residential (R-6) in order to locate a house that will occupy both lots. The property was undeveloped and the applicant has moved a structure on the site to be used as a residential dwelling. The applicant's request is a down-zoning from Commercial zoning to Residential zoning. The property is located in a Neighborhood Activity Center which encourages a variety of housing types and is adjacent to existing residential zoning. The surrounding properties are zoned R-6 with a few parcels that are zoned C-C. The rezoning of this property should not have a negative impact on the Martin Luther King, Jr. Corridor Plan; however, Staff felt that Single-Family Residential (R-6S) zoning would be more appropriate than Multi-Family Residential (R-6) zoning. Staff found the request consistent with the Comprehensive Plan and recommended approval of R-6S zoning. The Planning Commission reviewed this at their July 30, 2007 regular meeting, found it consistent with the Comprehensive Plan, and recommended approval of R-6S zoning (7-2 vote). Anne-Marie Wolff stated that the setback issue was discussed at the Work Session and with the current zoning the structure does meet the setback requirements. If the property is rezoned to R-6S then the applicant would need to apply for a variance or move the structure and construct a building that would meet the 30-foot rear yard setback and the 8-foot side yard setbacks as well as the front yard setback. There is some flexibility on the front yard setbacks because the other structures along the street do not meet those setbacks due to the historic nature of the area. The City would be able to work with the applicant on those. Councilman Vickers inquired as to whether the property meets the back yard setback. Anne-Marie Wolff stated that the property does not meet the back yard setback. The house located to the east of the property only has a 5-foot rear yard setback and does not meet the required setback either, but in C-C zoning it is different. The property on the west side is a deeper lot and does meet the setback requirements. Councilman Head inquired about the side setbacks being 8 feet and whether that was 8 feet from the property line. Anne-Marie Wolff stated that was correct. Councilman Head stated that he measured from the rear property line up to the inside of the sidewalk in front and it measured 62 feet and the depth of the house minus a front porch and steps or back porch and steps measured 24 ½ feet. He also measured each side between the houses and was approximately 12-13 feet. Councilman Head stated that he was concerned about the setback requirements and the condition of the structure which appears to be sub-standard. Anne-Marie Wolff stated that Staff had measured the side yard setbacks and used the pins that were already there from where it had recently been surveyed and determined that the side yard setback was 8 feet on the east side and 11 feet on the west which would be in compliance. The rear yard setback was not met. Councilman Head stated that he measured from the house on the east side to where it is positioned now and it was only 12 feet and inquired as to whether the applicant would have to move the unit further to the west in order to get the 8 feet between each. Anne-Marie Wolff stated that it is 8 feet from the structure to the property line and when they measured it they received an 8-foot setback for the side yard on both sides. There are quite a few non-conforming structures in this neighbor because of the historic nature of the area and that is why several of them do not meet the front yard or rear yard setbacks. Councilman Sumner stated that the property to the left does not meet the rear yard setback because it is only 5 feet from the property line so it

is non-conforming. Anne-Marie Wolff stated that this property is 59-60 feet deep and for today's standards, the setback would be 30 feet from the rear property line to the rear of the structure. If they were to take in the property meeting the front yard and rear yard setbacks, then that would be impossible because you would only have 3 ½ feet of rear yard setbacks left. They are able to provide some flexibility for the structure in the front because if the two structures next door do not meet the front yard setbacks then it can be averaged out. Councilman Sumner inquired as to whether the house to the east was being lived in and if it was occupied as residential. Anne-Marie Wolff stated that she was not certain. Councilman Head stated that some of the neighbors had said that someone had been living in the house.

Attorney Michael Bennett, Bennett Law Firm, spoke in favor of the request. Mr. Bennett stated that he represented Miguel Gaspar and he would like to rezone the property from C-C to R-6 or R-6S. It was brought to his attention on Tuesday that the current house sitting on the site may not comply with the setback requirements and if the property is rezoned, then they know they will have to comply with the setback lines. If this house cannot work, then they will have to do something else. There were previously two houses on this property and they were demolished a few years ago. The previous owner wanted the property as a commercial site and it was rezoned C-C. Mr. Bennett stated that the proposed change is consistent with the characteristics of the neighborhood and does not constitute any negative impact on the site. Mr. Bennett asked Council's consideration in approving the request. Mayor Fretti inquired as to whether the applicant would be in favor of the R-6S zoning. Mr. Bennett stated that they did not have a problem with the R-6S zoning. Councilman Sumner stated that if the applicant cannot comply with the setbacks with the current structure then they will have to either move the structure or build a structure that follows the setbacks. Mr. Bennett stated that they will have to comply with the setbacks as that would be their only alternative. Councilman Head inquired as to whether Mr. Bennett was aware if anyone lived in the house on the corner that is east of the subject property. Mr. Bennett stated that he thought someone lived in the house earlier this year but they have not lived there in the past few months.

Johnny Washington, 606 Charlton Street, spoke in opposition to the request. Mr. Washington stated that that he owns the property at 403 and 409 East Martin Luther King Drive which is in front of the applicant's property. When Mr. Gaspar first moved the house, the neighbors were told that it was temporary. They then found out that Mr. Gaspar wanted to make an apartment out of the house. Mr. Washington stated that he was concerned about the setbacks on the house. His niece lives next door and the house Mr. Gaspar moved onto the property is very close to her house. The house is an eye sore and no one in the neighborhood wants it there. They are trying to clean up the Martin Luther King Drive area and he asked Council's consideration in denying the request.

Geraldine Wiggs, 410 Martin Luther King Drive, spoke in opposition to the request.

Janice Jones, 414 Holiday Street, spoke in opposition to the request. Ms. Jones stated that she was opposed to the house because there is no parking space. When Mr. Gaspar bought the property from her sister, he told her that he needed it for office space and parking. Her sister is opposed to the request because Mr. Gaspar deceived her as to what he wanted to do with the lot. Councilman Head inquired as to whether Ms. Jones had seen anyone living in the house on the corner. Ms. Jones stated that there were six men living in the house over a year ago. Councilman Sumner inquired as to whether her sister would buy the property back if he could not put the building there. Ms. Jones stated that the reason why her sister sold it to Mr. Gaspar was because when he started remodeling the house on the corner he told her he needed parking space. When her sister purchased the property there were two houses on it and they could have remodeled the two houses if they were going to let Mr. Gaspar do that. Had her sister had known Mr. Gaspar was going to move a structure on the property and rezone it then she would not have sold it to him.

Betty Reed Howard, 928 Bunche Drive, spoke in opposition to the request. Ms. Howard stated that she is a cousin of the former owner of the property and her heritage is in that area. It was her cousin's intention to acquire the houses for historical value and she was told that the property was zoned Commercial. She was also told that it was too much money to invest in that small area for a residence and was asked to tear the houses down. The property was beautified by the owner and they were going to use it for a picnic area. The people in that area have to tried to fight poverty and have come out of it and now to allow the applicant to place such a monstrosity in the neighborhood while they are trying to become better is terrible. Ms. Howard stated that she has taken pictures and

the back of the house is deplorable. The sub-standard structure has no historical meaning for that area and she asked Council's consideration in denying the request.

Councilman Sumner asked for clarification on the request and inquired as to whether the building could stay there if the zoning remains Commercial. Larry Hanson, City Manager, stated that the applicant could not leave the building there under the present circumstances but he has the ability to make it legal and meet the setback requirements. Councilman Sumner inquired as to whether the current building would have to pass inspections. Larry Hanson stated that was correct. Councilman Sumner inquired as to whether there was an appeal process for the applicant if the building does not meet the current setbacks. Larry Hanson stated that the applicant could appeal to the Zoning Board of Appeals for a variance to the setback requirements and if that is denied then he would have to respond to that. Councilman Wright inquired as to whether a site plan would be required to show the parking. Anne-Marie Wolff stated that the applicant submitted a conceptual site plan showing where the one-story frame house was located and residentially, there is just a driveway. Councilman Wright inquired as to whether the site plan had to show parking. Anne-Marie Wolff stated that parking is a requirement but not necessarily a requirement on the site plan. Councilman Head stated that there were people living in the house on the corner and the intent of the applicant was to convert that unit and move multiple families in there for apartment living and he urged Council to vote no on the request. Councilman Yost inquired as to whether the structure was located in the historic district. Anne-Marie Wolff stated that the structure was not located in the local Historic District and the Historic Preservation Guidelines do not apply to it; however, it was located within the new National Register Historic District.

A MOTION by Councilman Head, seconded by Councilman Payton, was unanimously adopted (6-0) to deny the request to rezone .08 acres from Community-Commercial (C-C) to Single-Family Residential (R-6S) as requested by Miguel Gaspar.

AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE POSTPONED

Consideration of an ordinance to rezone .83 acres from Community-Commercial (C-C), Highway-Commercial (C-H), and Multi-Family Residential (R-6) to Downtown-Commercial (C-D) as requested by James Blake (File #VA-2007-42). The property is located at 500 and 502 South Patterson Street, 105 West Martin Luther King Drive, and 114 Bay Street. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended denial (9-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .83 acres from Community-Commercial (C-C), Highway-Commercial (C-H) and Multi-Family Residential (R-6) to Downtown-Commercial (C-D). This is the same request that the applicant brought before Council approximately one year ago. The surrounding properties are a mixture of residential and commercial uses. There is C-C zoning directly across the street and there is no other (C-D) zoning nearby or in the area of this property. The property is located within the legal boundaries of the Central Valdosta Development Authority (CVDA) boundary which pertains primarily to financing and tax incentives and not zoning. The proposed property is currently split zoned and a portion of the property has an existing bar and grill. Staff was concerned with the placement of C-D zoning because it would alleviate the property from meeting landscaping and parking requirements and setback standards since that is not required in C-D zoning. There are also some relaxed alcohol requirements for properties that are zoned C-D. Staff also looked at the surrounding properties and since there was no other C-D zoning in the area, Staff felt that this could be considered a spot zoning. This would also be inconsistent with the trends of development in the area especially since there are still several residences in this area. Staff felt that the uses that are permitted downtown and the way they could be developed would possibly have some negative impacts on the surrounding property primarily that there is no parking provision required for C-D zoning. Staff was also concerned about the traffic generated by the proposed use. Although there are future plans within the Martin Luther King, Jr. corridor for the development of public parking areas, parking facilities are not available at the present time and on-street parking is not adequate to meet the demands of a nightclub. The lack of parking facilities could result in customers parking within the surrounding residential neighborhoods. There was also concern about the noise generated from the nightclub at inappropriate hours during the night. While the nightclub is allowed in the current C-H zoning, the size of that zoned parcel limits the size of the nightclub. The proposed

property to be rezoned would double the size of the parcel, and potentially double the size of the nightclub, thus increasing the potential for a substantial noise increase. Staff found the request inconsistent with the Comprehensive Plan and the surrounding development and recommended denial. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended denial of Downtown-Commercial (C-D) zoning (9-0 vote). Councilman Head stated that Staff's justification for denying the request is that it would be considered spot zoning and there is concern about the noise and disturbing neighbors; however, people live downtown above bars and it does not seem to be a problem. The last time this request came before Council it seems that they were more willing to work the applicant because there was discussion about providing on-site parking and landscaping. Councilman Head inquired as to whether Staff would be willing to consider that now and if not why would they not consider working with the applicant. Anne-Marie Wolff stated that in reviewing the present request, Staff looked at downtown development and when viewing the structures in downtown development it is different from what the applicant's property looks like and the surrounding properties. The applicant's property is almost one acre in size whereas downtown the individual units that they have for creating a bar is less than one quarter of an acre. The bigger the bar then the more patrons there will be and the more impact it will have on the surrounding properties. Secondly, when people move in downtown, they know they are moving in above a bar and the residents in the area of the applicant's property did not necessarily anticipate that the property next door to them would be rezoned to such a zoning classification. Also, when Staff recommended approval of the applicant's request a year ago because it was in the CVDA area; however, Staff does look at the Zoning Ordinance, the surrounding zoning, the Comprehensive Plan, and the guidance that is provided by Council. The unanimous decision by Council a year ago to deny the property gave Staff the guidance this time to realize that they had made the policy and did not feel like C-D zoning was appropriate for that property. Nothing has changed in the year since Council has made that decision so Staff relied on that decision and policy to make their recommendation. Councilman Head stated that, other than the fact that Council was unanimous in their vote, he has still not heard why on-site parking is not being allowed because the applicant has the land to do that and he may be willing to do some landscaping. Anne-Marie Wolff stated that there is always willingness to work with the applicant. When Staff made the decision a year ago those were suggestions and the applicant did not come forward to say that he would be willing to do those suggestions. The applicant heard everything at the meeting a year ago as far as the on-site parking and landscaping and Staff would have assumed that if he was comfortable with providing some of that in order to receive the C-D zoning then he would have provided that in the information that was submitted to Zoning. Instead, the applicant submitted the exact same application. Councilman Head inquired as to whether Staff would change their position if the applicant was willing to offer on-site parking and do some landscaping. Anne-Marie Wolff stated that it would definitely address some of the issues that Staff has on the property. Regarding economic development, those properties directly north of him are all zoned C-C which is a very viable zoning district so they have lots of opportunities for a variety of commercial uses.

James Blake, 930 West Magnolia Street, spoke in favor of the request. Mr. Blake stated that this issue is larger than a nightclub and what he was requesting is the real zoning that the property should have. There has been a crime of omission concerning this area because it has been in the CVDA area according to the resolution that came from the State Legislature. The property on Martin Luther King Drive is zoned C-C because it was traditionally the downtown area for the black community. There was a mixture of businesses and homes but now almost all the homes are gone. The only thing that is there is a boarding house across the street. All of the properties are zoned Commercial but they are in the C-D boundary so this request is not unreasonable or out of character. Mr. Blake stated that he wanted to give value back to the property that it should have had years ago and not just to establish a nightclub. The right thing needs to be done to the entire area and not just Mr. Blake's property.

Councilman Wright stated that his only concern is about the adjacent community and how close the house was to the building. Councilman Wright inquired as to whether it would have an adverse or negative effect on the neighbors and how far they are from the development. Mr. Blake stated that the only neighbors he has are located behind his property and there are only a few houses there. Within the next ten years, those houses will probably be gone. There are two properties that abut the back of Mr. Blake's property but everything in the front and sides are gone.

Mayor Fretti inquired as to what Mr. Blake would like to do with the property now that could not be done under C-H zoning. Mr. Blake stated that he would like to develop the lot but did not have any specific plans at this

time. Mayor Fretti inquired as to whether Mr. Blake would provide on-site parking for whatever he wanted to do. Mr. Blake stated that he has already provided off-street parking for his property and was willing to create more parking if necessary. Councilman Sumner inquired as to whether Council could place conditions on the parking lot and landscaping. Larry Hanson, City Manager, stated that Council could place conditions on it but there is no site plan to base that on. Council could place a condition that the applicant would have to meet the present standards for anything that is developed on the property. Councilman Vickers stated that his main concern was about the parking and landscaping. Mr. Blake stated that if Council placed conditions on the zoning then that would be discrimination because there are no stipulations on any other property in the area. Larry Hanson stated that Council routinely places conditions on zoning cases all the time. It is up to the applicant to decide if he wants to accept the conditions but Council has the right to place them on the zoning. Councilman Vickers stated that the property backs up to Bay Street and Twitty Lane and he would be willing to go with the C-D zoning but there would definitely have to be conditions on it because it is in a different situation than the property located downtown. Councilman Head stated that Council understood the point Mr. Blake was trying to make but those residents on the back street need to be considered. Something will need to be done to shield the applicant's operation from the adjoining community. Councilman Head inquired as to whether Mr. Blake would be willing to put a fence up that would separate him from the adjoining communities and no landscaping. Mr. Blake stated that he has been beat up badly about this property over the years and he have even gone to jail. He made a statement to the City Manager that he would build a wall around it if necessary and he intends to build a wall around the entire property. Councilman Head stated that he did not mean a wall because he would not want to see that all the way around the property but would rather see something more aesthetically pleasing. Larry Hanson, City Manager, stated that part of the challenge with this request is the uncertainty of not knowing what it is Mr. Blake plans to do with the property and suggested a postponement of 30 or 60 days in order for the applicant to meet with the Planning Staff and look at options for parking and landscaping to see if an agreement could be reached and brought back to Council. Mr. Blake stated that he would not mind doing that but time was important to him. He did not want to circumvent the law, but people are trying to separate what he wants to do with the zoning that the property should have. Mr. Blake stated that he is requesting the zoning and felt that it should not be turned down. Larry Hanson stated that Council has a responsibility to be sensitive to the fact and what is different about Mr. Blake's property. Council's concerns are well founded and it might be in everyone's best interest to look at the planned uses that Mr. Blake has and reach a compromise about parking. Mr. Blake stated that this has been a crime of omission and that is why that property is all chopped up. The State fathers intended for it to be in the C-D boundary but the City fathers omitted it and allowed it to be like that. Larry Hanson stated that he would like for Mr. Blake to feel a need to be sensitive to the City investing over \$1 million for the Martin Luther King, Jr. Corridor Project and to make sure what he is doing is compatible and supportive of that project. In taking time to review the plans and ideas there may be a better outcome. Councilman Head stated that this could work and though Council voted against the request the first time he would like to see a compromise on the request and do something that is aesthetically pleasing that would provide protection for the neighboring community.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Head to postpone the request for 60 days in order to give the applicant, Staff, and the City Manager an opportunity to reach a compromise on the request to rezone .83 acres from Community-Commercial (C-C), Highway-Commercial (C-H), and Multi-Family Residential (R-6) to Downtown-Commercial (C-D) as requested by James Blake. Councilman Vickers seconded the motion. Councilman Vickers stated that he would also like for Councilman Head to be involved in reaching the compromise. The motion was unanimously adopted (4-2) with Councilman Sumner and Councilman Yost voting in opposition.

ORDINANCE NO. 2007-36, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone .326 acres from Multi-Family Residential (R-6) to Environmental-Resource (E-R) as requested by Valdosta State University (File #VA-2007-43). The property is located at 626 Lilly Street. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended approval (9-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .326 acres from Multi-Family Residential (R-6) to Environmental Resource (E-R). The property is currently a vacant lot and the applicant intends to use this property for part of the planned athletic practice fields for Valdosta State University. The property is the only piece of property that was not rezoned to E-R last year. The Valdosta State University Foundation has now acquired this property and would like to rezone it to E-R in order to match the remaining portion of the property. The property is located within an Institutional Activity Center. Staff found the request consistent with the Comprehensive Plan and recommended approval of the E-R zoning. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended approval of Environmental Resource (E-R) zoning (9-0 vote).

Sandra Fletcher, 206 Brookwood Place, spoke in favor of the request. Ms. Fletcher stated that she represented the Valdosta State University Foundation and they are in the process of building a new field house along the Mary Street side as well as a football field and future soccer fields. They have met with the neighborhoods and have a good working relationship them. They are also mowing the weeds. Councilman Vickers asked that the area on the Lilly Street and West Street sides be maintained. Ms. Fletcher stated that the fields would not be developed immediately due to lack of funds but they would keep it maintained. It will be leased by the Foundation to Valdosta State University and they will be responsible for maintaining the area.

No one spoke in opposition to the request.

A MOTION by Councilman Vickers, seconded by Councilman Sumner, was unanimously adopted (6-0) to follow the recommendation of the Planning Commission and State and enact Ordinance No. 2007-36 to rezone .326 acres from Multi-Family Residential (R-6) to Environmental-Resource (E-R) as requested by Valdosta State University, the complete text of which will be found in Ordinance Book XI.

ORDINANCE NO. 2007-37, AN ORDINANCE AMENDING THE VALDOSTA ZONING ORDINANCE

Consideration of an ordinance to rezone .517 acres from Multi-Family Residential (R-6) to Community-Commercial (C-C) as requested by Dover, Miller, Stone & Karras for Susie McKey Thomas (File #VA-2007-44). The property is located at 400 East Gordon Street. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended approval (9-0 vote).

Anne-Marie Wolff, Planning and Zoning Administrator, stated that the applicant is requesting to rezone .517 acres from Multi-Family Residential (R-6) to Community-Commercial (C-C). The property is currently vacant and the applicant is requesting rezoning to market the property for commercial development. The property is located within an Established Residential Character Area and is directly across the street from a Neighborhood Activity Center Character Area. The intersection of two Collector roadways is an appropriate location for Community-Commercial zoning. The proposed widening of Lee Street will help accommodate any minor traffic increases due to the commercial uses. Staff found the request consistent and recommended approval. The Planning Commission reviewed this request at their July 30, 2007 regular meeting and recommended approval of Community-Commercial (C-C) zoning (9-0 vote).

Jack Langdale, 2502 Jerry Jones Drive, Attorney for Dover, Miller, Stone & Karras, spoke in favor of the request. Mr. Langdale stated that he was representing Susie McKey Thomas and would like to rezone the property from R-6 to C-C. The rezoning would increase the marketability and economic viability of the entire area. Mr. Langdale asked Council's consideration in approving the request. Councilman Head inquired as to whether the applicant had any plans for the property. Mr. Langdale stated that there were no particular plans for the property but the applicant wanted to increase the marketability of the property which has been vacant for 20 years.

No one spoke in opposition to the request.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (6-0) to enact Ordinance No. 2007-37, to rezone .517 acres from Multi-Family Residential (R-6) to Community-Commercial (C-C) as requested by Dover, Miller, Stone & Karras for Susie McKey Thomas, the complete text of which will be found in Ordinance Book XI.

Consideration of bids for Taser units and accessories for the Police Department (Bid No. 07-07-08).

Chief Frank Simons, Police Department, stated that the Police Department would like to purchase 18 of the X-26 Taser units and accessories which is a newer and smaller version of the Tasers that the of they are currently carrying. The Taser units are capable of being equipped with a camera and microphone unit so that events can be captured prior to the deployment of a Taser. The Taser is a sole source type purchase and is territory protected by the manufacturer. DGG Taser is the authorized distributor of Taser products in the states of Georgia and Florida, and the pricing is regulated by the manufacturer. Chief Simons recommended that Council approve the request for the sole source purchase from DGG Taser in the amount of \$25,988.20 and allow the Police Department to proceed with the purchase.

A MOTION by Councilman Sumner, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the request for the sole source purchase from DGG Taser in the amount of \$25,988.20 and allow the Police Department to proceed with the purchase.

Consideration of a request to approve a contract with Argus Benefits to provide Benefits Consulting Services for the City of Valdosta.

Charlie Felts, Director of Human Resources, stated that the City of Valdosta is self insured for health benefits and worker’s compensation. Due to the increasing cost and complexity of the health plan, there is a need to have a dedicated resource to assist in managing the City’s benefit plan. Regulations under the HIPPA Privacy Act make it increasingly necessary for the City to have a third party to act on our behalf regarding the coordination of claims data with our TPA while the issues of cost containment, plan design, and technological management of the plan are entering a critical period. In order to identify and select a dedicated firm to provide these services, a Request for Proposal (RFP) was conducted. The following three firms responded: Argus, Benalytics, and The Benefit Advocate. Annual pricing to provide the services listed in the RFP were Benalytics at \$65,000 plus \$175 per hour for any requests outside the RFP, Benefit Advocate at \$30,000 plus \$165 per hour, and Argus at \$53,586 (no additional fees). Based on the pricing obtained and the past performance record, the Committee recommended awarding a contract to Argus Benefits for a period of one year with renewal options based on satisfactory performance. Charlie Felts recommended that Council award Argus Benefits a one-year contract with the option to renew for two consecutive years based on satisfactory performance.

A MOTION by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (6-0) to approve a one-year contract with Argus Benefits to provide Benefits Consulting Services for the City of Valdosta with the option to renew for two consecutive years based on satisfactory performance.

Consideration of a request to extend the Service Delivery Agreement and for funding related to services under arbitration to remain as currently agreed to until June 30, 2008. Mayor/Council postponed the request at the July 5, 2007 regular City Council meeting and at the July 19, 2007 regular City Council meeting until the August 9, 2007 regular City Council meeting.

Larry Hanson, City Manager, stated that Council has been provided a copy of a letter from Mike Gleaton, Assistant Commissioner of Planning for the Georgia Department of Community Affairs, and he has stated that as long as the City of Valdosta and Lowndes County governments are in compliance by October 31, 2007 there will not be any penalties and we will not be harmed in any way. Based upon the status of the arbitration process, it will be held in late September. Larry Hanson recommended that Council take no action on this issue and that it not be placed back on the agenda unless something changes. Mayor Fretti asked if Council had any objection to no action. There was no objection from Council.

LOCAL FUNDING AND REQUESTS

ORDINANCE NO. 2007-38, AN ORDINANCE ESTABLISHING THE 2007 TAX MILLAGE RATE

Consideration of a request to establish the 2007 Tax Millage Rate.

Mark Barber, Finance Director, stated that the Five Year History of Tax Levy was published in the Valdosta Daily Times on July 26, 2007, notifying the community of the proposed tax millage to be set by the City of Valdosta. The purpose of this ad was to inform property owners of the growth in the ad valorem tax digest and the level of taxes collected in the last five years. All governmental units and school districts are required by State law to publish growth rates in the tax digest and changes in tax rates. The tax digest grew by \$139 million this year. Out of that amount, \$72.2 million is growth from new developments, improvements, and is the real growth. In 1999, the Taxpayer's Bill of Rights was passed and it stated that if the local government did not roll back 100% reassessment growth, that was considered a back door tax increase and it would have to be advertised appropriately and have three public hearings letting the citizens know the reason for the tax increase. The Valdosta Board of Education adopted a 15.98 millage rate for this year. The rate represents an increase of one mill from the prior year. The Board of Education will establish this millage at an August 23, 2007 meeting. Mark Barber recommended that Council adopt the 2007 tax year millage rate at the rollback rate of 4.178 mills. The rollback rate represents a twelve one-thousandths of a mill decrease from last year. The recommended millage will generate approximately \$5,504,546 in revenue to fund a portion of the City of Valdosta Fiscal Year 2007-2008 budget. This represents a 6.12 percent increase in revenue generation from the prior year. Larry Hanson, City Manager, stated that Valdosta was 2 mills lower than any city our size and the only cities you will find with lower millage rates are those that own their own electric utilities. This is also the lowest millage rate that the City has had in 20 years. Mayor Fretti thanked Mark Barber and his Staff and the City Manager for their efforts. Larry Hanson stated that the City generates \$5.5 million a year in property taxes but we will receive over \$10 million a year for six years from SPLOST so if the SPLOST tax was not to pass and many of our projects would have to be done anyway, then we would have to double property taxes to generate the same amount of revenue that we receive from the SPLOST. A significant portion of that is paid for by those people who do not live in Valdosta and SPLOST is a good deal for local citizens. Mark Barber stated that the recommendation by Council should also include 15 mills for operation, maintenance, and debt service payment of the Central Valdosta Development Authority and 15.98 mills for the Valdosta Board of Education.

A MOTION by Councilman Sumner, seconded by Councilman Head, was unanimously adopted (6-0) to follow the recommendation of the Finance Director and enact Ordinance No. 2007-38 to approve the appropriate millage rates as presented which includes the establishment of the 2007 tax millage rate of 4.178 mills, the Valdosta Board of Education millage rate of 15.98 mills, and the Central Valdosta Development Authority millage rate of 15.00 mills.

Consideration of a request to increase annual funding for the Valdosta-Lowndes County Chamber of Commerce to support the IMPACT 2012 Program.

Larry Hanson, City Manager, stated that the Chamber of Commerce is launching a new work program entitled IMPACT 2012 that is targeted to meet the needs of our growing community. The initiative will require the Chamber to raise approximately \$1,750,000 over five years or an average of \$350,000 per year to fully implement. The Chamber is actively raising funds from the business community and has asked the City and the County to participate as well. They have requested \$20,000 from each of us. The City currently provides \$15,000 annually to the Chamber for several programs. Their request is to raise the annual contribution for the next five years from \$15,000 annually to \$20,000 annually. Based upon the objectives of the program and its potential benefit to the community, I believe the City's participation at this level is warranted. Larry Hanson recommended that the City's annual contribution to the Chamber be increased from \$15,000 to \$20,000 and remain at that level for five years, beginning this year and incorporate this into a contract.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the request to increase annual funding from \$15,000 to \$20,000 and remain at that level for five years, beginning this year, for support of the Valdosta-Lowndes County Chamber of Commerce IMPACT 2012 Program and subject to the terms and conditions of a contract prepared by the City Attorney with all funds specifically designated for the requested purposes.

Consideration of a request to approve travel for Councilman James Wright to attend the America's Affordable Communities Initiative Workshop.

Larry Hanson, City Manager, stated that Councilman James Wright would like to attend the America's Affordable Communities Initiative Workshop to be held in Athens, Georgia on September 25, 2007. The workshop will focus on overcoming barriers to creating affordable workforce housing in communities. The cost for the workshop is \$25.00. Larry Hanson recommended that Council approve the request.

A MOTION by Councilman Vickers, seconded by Councilman Sumner, was unanimously adopted (6-0) to approve travel for Councilman James Wright to attend the America's Affordable Communities Initiative Workshop.

Consideration of a request to apply for the 2007 Waste Reduction and Recycling Program Grant.

John Whitehead, III, Public Works Director, stated that the purpose of this grant program is to assist city and county governments and solid waste authorities in the State of Georgia to meet the state's material-specific waste disposal reduction goals set for the years 2012 and 2017. Program funding will help to recycle more of these commodities to meet the raw material needs of Georgia's recycling industries, and help instill and promote a recycling ethic in the state. Currently, the City utilizes a single-stream recycling process and receives recycle commodity from Lowndes County as well as Valdosta residents. We are also receiving recycle commodities from institutions such as Valdosta State University and several small business and/or commercial customers. The total funding available for the entire program is \$1.5 million and the City would like to apply for funding in the amount of \$175,000. This does not require matching funds. Funding will be used to expand the City's recycle facility add additional equipment to handle the increased volume of material. Funding will also be used to sponsor additional recycle programs for the community and the region. John Whitehead recommended that Council approve the request to apply for this grant.

A MOTION by Councilman Payton, seconded by Councilman Head, was unanimously adopted (6-0) to approve the request to apply for the 2007 Waste Reduction and Recycling Program Grant to expand the facilities and the programs.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that there will be a Press Conference on August 17, 2007 at 9:30 a.m. at the Conference Center to kick off the SPLOST VI media campaign and invited the Mayor and Council to attend.

The South Georgia Regional Development Center will hold an Open House and informational meeting for the Bicycle and Pedestrian Plan on August 23, 2007 from 4:00 p.m. to 7:00 p.m. at the Lowndes County Administration Building. This information will be provided to Grice and Associates which will be incorporated into their Master Transportation Plan.

Information was provided to Council today on an Industrial Authority prospect which is working fast and there are a couple of others. There is a tremendous amount of activity and there has never been a time that the City has had more interest in industrial and economic development activity than we do at this time.

Leon Weeks, Director of Utilities, has begun the planning process for a Ribbon Cutting event to be held in mid-September for the Water Treatment Plant Expansion Project which is on time and under budget.

COUNCIL COMMENTS

Councilman Head stated that he had several complaints about cars speeding through the downtown area near the Bennie's Alley pedestrian crossing both on Patterson Street and Ashley Street and asked that this be situation be looked at to improve safety at those two locations.

Councilman Payton stated that several months ago they had discussed the possibility of assisting the Valdosta City School System with a turn lane off of Perimeter Road and inquired about the status. Larry Hanson stated that the School System has been working with Von Shipman, City Engineer, on that project. Von Shipman stated that he would contact the Georgia Department of Transportation to find out the status of the project.

Councilman Head inquired as to when there would be any activity on the Martin Luther King Corridor Project. Larry Hanson stated that Mr. Jackson was in Valdosta several weeks ago to make some final changes. The Project was at 90% at that time so it should be ready to go to bid at any time. Von Shipman, City Engineer, stated that he would check the status on this project also.

ADJOURNMENT

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

A MOTION by Councilman Payton, seconded by Councilman Yost, was unanimously adopted (6-0) to adjourn the August 9, 2007 meeting of the Valdosta City Council at 7:42 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 8:11 p.m. and stated there was action to take in regular session.

A MOTION by Councilman Sumner, seconded by Councilman Head, was unanimously adopted (6-0) to approve the organizational structure as presented by the City Manager and the creation of a Deputy City Manager of Operations, a Deputy City Manager of Administration, and an Assistant to the City Manager.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Sumner, seconded by Councilman Head, was unanimously adopted (6-0) to adjourn the August 9, 2007 meeting of the Valdosta City Council at 8:14 p.m. to meet again in regular session on Thursday, August 23, 2007.

City Clerk, City of Valdosta

Mayor, City of Valdosta