

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, SEPTEMBER 6, 2012  
COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Robert Yost, Deidra White, and James Wright. Councilman Alvin Payton, Jr. arrived at 5:35 p.m. The invocation was given by Reverend Brinson Barker, Associate Pastor of New Covenant Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**PRESENTATION OF THE SEPTEMBER, 2012 EMPLOYEE OF THE MONTH AWARD**

Consideration of the September, 2012 Employee of the Month Award (Randal Mize, Utilities Department).

Mayor John Gayle stated that the Employee of the Month Award will be postponed until the September 20, 2012 City Council Meeting.

**APPROVAL OF MINUTES**

The minutes of the August 23, 2012 Regular Meeting were approved by unanimous consent (6-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2012-20, AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 0.403 acres from Wholesale Light Industrial (M-1) to Community-Commercial (C-C) as requested by Terry Kelly and FMGC-GA, LLC (File No. VA-2012-10). The property is located at 1521 Cypress Street. The Greater Lowndes Planning Commission reviewed this request at their August Regular Meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the applicants, Terry Kelly and FMGC-GA, LLC are requesting to rezone two parcels totaling 0.403 acres from Wholesale Light Industrial (M-1) to Community-Commercial (C-C). The property is located at 1521 Cypress Street which is at the southwest corner of Cypress Street and Howard Street. The northern parcel is currently developed as Single-Family Residential while the southern parcel is an undeveloped vacant lot. The applicants are proposing to combine the parcels together and redevelop the property as a new start-up church facility. The existing M-1 zoning does not allow churches and therefore the applicants are seeking the down-zoning to allow this redevelopment. The property is located within an Industrial Activity Center Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C zoning. The existing land use pattern in this general area (the Cypress Street and East Hill Avenue corridor) is dominated by mostly industrial development; however, the pattern is a little more mixed in the area immediately surrounding the property. There is an existing church immediately adjacent to the west, as well as another church across the street to the east. Across the street to the north is an existing light industrial use, and there is an existing single-family neighborhood to the northwest. A little farther to the south and east is a scattered mixture of industrial, commercial, as well as some residential uses. In terms of existing zoning pattern, it is also very mixed with industrial zoning being the less-dominant category in this particular area of Cypress Street. Churches are not allowed in M-1 zoning, but they are a permitted use in either C-H or C-C. Each of these would constitute a down-zoning, and either of them would seem logical; however, Staff has recommended the applicants seek the less-intensive C-C zoning since C-H zoning is really intended to be located along arterial roadways (which Cypress Street is not), and it is not necessary for the proposed development. There is also the existing single-family neighborhood nearby and the adjacent church to the west, both with R-6 zoning. C-C zoning is therefore considered more appropriate for this property, and this is further underscored by the recent down-zoning of more

than four acres from M-1 to C-C for a proposed church on property located 400 feet to the east. Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval. The Planning Commission reviewed this at their August 27, 2012 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (7-0 vote). Councilman Wright inquired about the Industrial Zoning. Matt Martin stated that the property is currently zoned M-1 and it does not allow churches so they have a requested a downzoning to a Commercial category (C-C) which allows a church as a matter of right.

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Wright, seconded by Councilwoman White, was unanimously adopted (7-0) to enact Ordinance No. 2012-20, an Ordinance to rezone 0.403 acres from Wholesale Light Industrial (M-1) to Community-Commercial (C-C) as requested by Terry Kelly and FMGC-GA, LLC, the complete text of which will be found in Ordinance Book XII.

**ORDINANCE NO. 2012-21, AN ORDINANCE FOR A TEXT AMENDMENT TO VARIOUS CHAPTERS OF THE LAND DEVELOPMENT REGULATIONS (LDR)**

Consideration of an Ordinance for a Text Amendment to various Chapters of the Land Development Regulations (LDR) as requested by the City of Valdosta (File No. VA-2012-11). The Greater Lowndes Planning Commission reviewed this request on their August regular meeting and recommended approval (7-0 vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to amend various Chapters of the City’s Land Development Regulations (LDR). The main purpose of the Text Amendment is to modify allowable zoning districts which coincide with established Character Areas, modify allowances and standards for residential development in various zoning districts, as well as add clarity to existing language. Valdosta was compared to other communities in Georgia as well as outside the State to see if there were other changes that would be beneficial. The proposed Amendments were broken down into the following five groups: (1) Section 106-1 (C), Definitions - Official Zoning Map Interpretation and Section 202-5, Interpretation of Zoning District Boundaries, (2) Section 202-6, Table of Zoning Districts Permitted in Each Character Area of the Comprehensive Plan, (3) Section 222-2, Table of Minimum Parking Requirements, (4) Section 218-1, Table of Permitted Uses, and (5) Section 218-13 (V), Development Standards for Residential Uses – Supplemental Standards for Multi-Family Dwellings. For Text Amendment group (1), they are clarifying definitions related to the Official Zoning Map. For Text Amendment group (2), they are proposing to add some additional zoning districts to some of the categories. For Text Amendment group (3), the current standard is two parking spaces minimum per dwelling plus 10% visitor parking and the proposal is to simplify that and make it one parking space per bedroom. This will help differentiate the parking needs of a one bedroom unit versus a four bedroom unit. For the Text Amendment group (4), they are introducing residential usage in commercial zones and some other minor changes. Not all commercial zones (C-C) would allow multi-family development as a matter of right up to a certain density. In most districts, density is measured by dwelling units per acre. The proposal is for the commercial districts to measure it as bedrooms per acre. When you get into higher density it will be a more accurate measurement. For the Text Amendment group (5), they are proposing to relax some of the standards that have been in place since 2009 and the charts that go along with that. Staff found the request consistent with the Comprehensive Plan and recommended approval. The Planning Commission reviewed this at their August 27, 2012 meeting, found it consistent with the Comprehensive Plan, and recommended approval (7-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Ordinance No. 2012-21, an Ordinance a Text Amendment to various Chapters of the Land Development Regulations (LDR) as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

**RESOLUTION NO. 2012-14, A RESOLUTION FOR ADOPTION OF THE LOWNDES COUNTY EMERGENCY MANAGEMENT AGENCY'S EMERGENCY OPERATIONS PLAN**

Consideration of a request to approve a Resolution for adoption of the Lowndes County Emergency Management Agency's Emergency Operations Plan.

Larry Hanson, City Manager, stated that the Lowndes County Emergency Management Agency performs emergency management functions within the territorial limits of Lowndes County as well as outside of territorial limits as may be required. The Agency includes participation of each city within Lowndes County unless the governing authority of any particular city elects to implement its own organization for emergency management. This Plan will allow all of the primary law enforcement agencies to have an understanding of how to respond in the event of an emergency as well as the use of others' personnel and resources as necessary. This Plan does respect the City of Valdosta's Charter and allows the Mayor to be the designated official to decide when there is a state of emergency inside the City limits. This shows how the Cities and County works together so that when we do have an emergency situation we have a cohesive and coordinated plan and we know how to respond. Ashley Tye, Executive Director of the Lowndes County Emergency Management Agency, has prepared an Emergency Operations Plan for review and adoption by Resolution by Lowndes County, the City of Valdosta, the City of Hahira, the City of Dasher, and the City of Lake Park. This Plan has been reviewed in the City by the Police Chief, Fire Chief, Director of Utilities and other necessary Departments and suggested changes have been incorporated into the Plan. Larry Hanson recommended that Council approve the Resolution for adoption of the Lowndes County Emergency Management Agency's Emergency Operations Plan.

**A MOTION** by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (7-0) to enact Resolution No. 2012-14, a Resolution for adoption of the Lowndes County Emergency Management Agency's Emergency Operations Plan, the complete text of which will be found in Resolution Book V.

**RESOLUTION NO. 2012-15, A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE CONSTRUCTION OF A NEW ARFF BUILDING, A NEW FAA BUILDING, OBSTRUCTION CLEARING PHASE 1, AND A WILDLIFE HAZARD ASSESSMENT AT THE VALDOSTA REGIONAL AIRPORT**

Consideration of a request from the Valdosta-Lowndes County Airport Authority to approve a Resolution authorizing execution of a Grant Agreement with the Federal Aviation Administration to proceed with the construction of a new ARFF Building, a new FAA Building, Obstruction Clearing Phase 1, and a Wildlife Hazard Assessment at the Valdosta Regional Airport.

Larry Hanson, City Manager, stated that the Valdosta-Lowndes County Airport Authority desires to proceed with the following Projects at the Valdosta Regional Airport: Construction of a new ARFF Building, a new FAA Building, Obstruction Clearing Phase 1, and a Wildlife Hazard Assessment. The Federal Aviation Administration (FAA) funds 90%, the State 2.5% as funds are available, and the remaining 7.5% that is stipulated to come from the City of Valdosta will actually come from the Airport's Passenger Facility Charge Program from which they collect approximately \$12,000 per month. They have over \$100,000 already collected for these upcoming Projects. These Projects will be spread out from September, 2012 through mid-2014. The FAA is preparing a Grant Agreement which is expected to not exceed \$3.2 million for these Projects. The total amount has now been determined and is \$2,857,915. Once received, the Agreement must be executed and returned to the FAA extremely quickly or the funds will be reassigned. A Resolution has been prepared authorizing Mayor John Gayle to accept the Grant Agreement upon receipt in order to expedite processing the Agreement. Larry Hanson recommended that Council approve the Resolution authorizing execution of a Grant Agreement with the Federal Aviation Administration to proceed with the construction of a new ARFF Building, a new FAA Building, Obstruction Clearing Phase 1, and a Wildlife Hazard Assessment at the Valdosta Regional Airport.

**A MOTION** by Councilman Payton, seconded by Councilman Vickers, was unanimously adopted (7-0) to enact Resolution No. 2012-15, a Resolution authorizing execution of a Grant Agreement with the Federal Aviation Administration to proceed with the construction of a new ARFF Building, a new FAA Building, Obstruction Clearing Phase 1, and a Wildlife Hazard Assessment at the Valdosta Regional Airport, the complete text of which will be found in Resolution Book V.

Larry Hanson, City Manager, stated that there was an article in the Valdosta Daily Times today regarding an analysis of the wage data by the Bureau of Labor Statistics which showed that Valdosta is in the top ten in the nation for small metropolitan areas for income growth. This is very positive and shows that our community collectively is being more successful in creating and locating high tech jobs whether it is in technology, health care, or other areas.

The street resurfacing project is still going on and this week they will be working on Northside Drive from Forrest Street to J. C. Shack Road and Euclid Street from Forrest Street to the end.

We will be advertising for upcoming vacancies on Boards, Commissions, Authorities, and Advisory Committees. The deadline to apply is October 31, 2012.

Our Law Enforcement Agencies will be having a 9-11 Ceremony on Tuesday, September 11, 2012 at 8:45 a.m. at Valdosta Fire Station No. 1. Council members are invited to attend and participate in this important event.

Larry Hanson, City Manager, stated that he and Mayor Gayle attended the first Citizens Steering Committee for SPLOST VII this morning and there are ten citizens who have been appointed to serve. Sam Allen and Gail Green are Co-Chairing the Committee and will be creating an education and information campaign to inform people about the SPLOST Referendum in November.

## **COUNCIL COMMENTS**

Councilman Vickers inquired as to when they would be touring the Council Districts. Mara Register, Assistant to the City Manager, stated that there was a conflict with the date that had previously been selected so she is looking at some alternative dates.

## **CITIZENS TO BE HEARD**

Blanche Boykins-McIntyre, retired from the Air Force after 21 ½ years and a business owner in Valdosta, stated that she wanted to address an issue concerning her business, Fruits of the Garden Winery & Gifts located at 115 West Central Avenue in Valdosta. Ms. Boykins-McIntyre stated that she is being harassed by the City of Valdosta orchestrated by Albert Slone who is known to many as the "Mayor of Downtown." It is a disservice to the citizens of Valdosta that Mr. Slone considers himself the Mayor and is recognized as such by employees of Valdosta simply because he owns property in the Downtown area. He has been acting as a puppeteer in her view and employees paid by the City of Valdosta are his puppets. His puppets are Mara Register, Assistant to the City Manager, Capt. John Wisenbaker of the Valdosta Fire Department, Commander Bernard Robinson of the Valdosta Police Department, and the Valdosta Police Department to name a few. On or about November 22, 2011, Capt. Wisenbaker came to her place of business and she questioned him about his presence. Capt. Wisenbaker stated that he had a complaint that she had too many people in her business on a previous Saturday. Ms. Boykins-McIntyre stated that she asked him who filed the complaint and wanted to see a copy of it. Capt. Wisenbaker told her that he had no documentation and was unable or unwilling to divulge who filed the complaint nor did he divulge the specifics of the complaint. He stated that he had received the complaint from a third party being Mara Register. Ms. Register also dispatched Commander Bernard Robinson based on that same statement by Mr. Slone on the following day. Commander Robinson told her son that she would be cited if she violated City Ordinance No. 2005-72. He stated that her license needed to reflect the type of business that she had and stated that there was a complaint about her cooking and that she was not authorized to cook and had to remove her grill. He told her that he did not want the Police to have to show up at her business again. Commander Robinson never bothered to look at her Department of Health Certificate with an "A" rating or her business licenses to note that she is in fact licensed to do what she does. Furthermore, she was not cooking or selling food and she is not responsible for vendors who pull into the back parking lot. That is not her job. Mara Register knows who she is and she has been in her place of business. Ms. Register never gave Ms. Boykins-McIntyre the opportunity of giving her a call to find out what she had to say about these complaints. Albert Slone has repeatedly harassed her and put her business and livelihood in jeopardy and has caused her great stress. He consistently calls her landlord, cell phone, his wife's cell phone, their home phone, sends text messages to them, and has even told the landlord to tell Blanche that she can have a band on First Friday and that he may even patronize her. Mr. Slone made it a point to let her

husband know that he does have power Downtown and that he is the “Mayor of Downtown.” Mr. Slone even sent a text message to her landlord and told him that she had too many people in her building, there were a lot of people hanging outside, the music was too loud, and there was a grill was outside. He has called the Police several times. She has had Pastors, Ministers, and bankers in attendance when she had bands playing so the music must not be too loud or they would not be hanging out there. Albert Slone has sat at the Flavor of New Orleans and listened to the same band that he is complaining about. He sat at Bleu Pub and listened to their band. It is unfair that he can pick and choose when noise is all right. Ms. Boykins-McIntyre asked for Council’s consideration to do something about this. She feels like it is messing with the economics of Downtown. He needs to either move because this is a commercial zone, insulate his home, or the Noise Ordinance needs to be revisited. She does not cause any problems and the only problem she has ever had is Mr. Slone calling the Police about the noise. The buzzing in the black side of town is that they got rid of Brian Antoine and Big Nick and Blanche are next. Councilman Vickers inquired as to whether Ms. Boykins-McIntyre has spoken to the City Manager. Ms. Boykins-McIntyre stated that she had spoken with Larry Hanson around Christmas and he informed her as to what she needed to do. She does not have a second bathroom in order to have a kitchen in place.

**ADJOURNMENT**

Mayor Gayle adjourned the September 6, 2012 meeting of the Valdosta City Council at 5:57 p.m. to meet again in regular session on Thursday, September 20, 2012.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta