

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, AUGUST 10, 2017
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Gayle called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Sandra Tooley, Robert Yost, and Vivian Miller-Cody. Larry Hanson, City Manager, was absent. The invocation was given by Pastor John Manning, St. Mark Baptist Church, followed by the Pledge of Allegiance to the American Flag.

AWARDS AND PRESENTATIONS

SPECIAL PRESENTATION OF THE 2017 SOUTHERN HOSPITALITY WORKCAMP

Vanassa Flucas, Neighborhood Development Manager, stated that this year the Southern Hospitality Group Workcamp was held June 25 through July 2, 2017 and it is truly a partnership between various community organizations, City of Valdosta Departments, and many dedicated individuals. Through Group Workcamp we have assisted and worked on 313 homes, and to this date, the City has hosted 11 Workcamps that have yielded over \$2 million in economic investment in our community through capital improvements to housing stock, the value of volunteer housing, the spending in our community, and the value of their labor. This figure also represents the City of Valdosta's, Lowe's Distribution Center, and Group Care Foundation's investment in this effort. Camps such as the one in Valdosta have been taking place all around the country supported by more than 25,000 youth volunteers. The most important thing to our community is the effort to help stop deterioration of valuable housing stock and to place us closer to accomplishing our goal to eliminate substandard housing in our community by the year 2020. Vanassa Flucas thanked Mayor John Gayle, the City Council, and the City Administration for their support because without their vision and guidance we would not be here to celebrate another successful Group Workcamp. Vanassa Flucas presented Mayor Gayle, Council Vickers, Councilman Payton, and Councilwoman Miller-Codey with a framed picture collage in appreciation for their participation in the Group Workcamp. Others who were instrumental in the success of the Group Workcamp included the Public Works Department, the Police Department, and the Fire Department. We truly have a great team and this effort is a shining testament to the spirit of cooperation throughout the City. Vanassa Flucas stated that she wanted to also recognize the awesome team of individual City Staff members who show the community and the nation how a successful Workcamp is achieved. Each year, these individuals come forward to be a part of this experience often volunteering their personal time to do so. We know how much of a blessing this is to our citizens, but we want to say how much of a blessing it is to us each year. Staff members recognized were: (1) City Marshals - James Dean, Tom Meyer, Rick Folsom, and Mike Pieper, (2) Main Street - Ellen Hill and Missy Smith, (3) Public Information - Sementha Mathews and Marcus McConico, and (4) Neighborhood Development - Sarah Lowe and Christopher Brandon. Vanassa Flucas stated that the City of Valdosta could not host the Southern Hospitality Group Workcamp without the assistance of Lowe's Regional Distribution Center who has been on board since it began in 2005. She presented Greg Battles of Lowe's Regional Distribution Center with a token of appreciation and recognized Larry Smith and Renee Parrish of Lowe's Retail. The City of Valdosta is also very fortunate to have Habitat for Humanity Staff who were willing to give of their time and talents and provide expertise for the campers. Habitat for Humanity is always willing to help us pick up a hammer to not only clear away the slum and blight in our community, but to help rebuild it. This year was surreal because they lost a dear friend and community partner, Stuart Mullis; however, in true Habitat fashion, all of their Staff continued on task and ended with the goal of helping the homeowners with the Workcamp. Vanassa Flucas thanked the Habitat for Humanity Staff for all that they did to support this effort and she looks forward to working with them and continuing Stuart's vision of affordable housing opportunities for all citizens of Valdosta. Also, we are very thankful for the continued support of Wild Adventures who has donated park passes for all the campers and Staff since 2005. This is an incredible donation and we are truly thankful. Molly Deese, General Manager, was unable to attend the meeting tonight, but Patrick Pearson of Wild Adventures accepted the award on her behalf. Each year the campers are housed and fed at Valdosta Middle School and we are extremely grateful for their participation in this effort. Dr. Todd Cason, Superintendent of Valdosta City Schools, accepted two collages, one from the City and one from the Group Workcamp attendees, for the use of their gymnasium. Valdosta City Schools have been an irreplaceable community partner for over ten years and School Staff members Barbara Davis and Officer Danny Johnson were acknowledged for their assistance in collecting supplies that come in for the Group Workcamp and ensuring that it runs smoothly. Another irreplaceable community partner is

Georgia Power. Each year they make sure that each site is protected from potential electrical accidents by covering power lines in the areas where campers are using ladders and scaffolding. Second Harvest Food Bank also continues to support Group Workcamp by providing pallets of bottled water which are used to keep the campers hydrated throughout the week. The campers donate canned goods and food back to the Second Harvest Food Bank and this year they collected several pallets of food. The campers were also treated to some Southern hospitality by enjoying a Bar-B-Que feast of ribs, baked beans, homemade cookies, cakes, and ice cold Pepsi provided by Sam and Margo Watts of Sam's Bar-B-Que, Jessie Billingsly of Mr. B's IGA, the Ladies Ministry of Park Avenue United Methodist Church, and Pam Vickers of Pepsi. Vanassa Flucas stated that Richard Joyner, Rehabilitation Construction Coordinator, is the backbone of the Group Workcamp and is instrumental in making the Group Workcamp a success. He begins in January of each year to meet with homeowners and conduct assessments of the homes that need repairs. He coordinates everything and the Group Workcamp in Valdosta would not serve as the bold standard without him being at the helm.

Tony Daniels, 509 Green Street, stated that these young people did an awesome job and they have a lot of heart, desire, and determination. The gnats, mosquitoes, and heat could not run them away. They worked hard for four days and they gave his home an extra \$10,000. He thanked God for Vanassa Flucas, Richard Joyner, and the campers.

Marie Jones, 507 West Adair Street, stated that when she was asked to go to the school with the kids she could not say anything because she was so full of joy; however, today she knew she had to say something. She prayed and asked the Lord to show her how to do things the way that they did. Being a single Mother is hard on her and three days after that, Richard Joyner came to her house. He asked if he could look around the house and do something for her. She knew then that God had answered her prayer. She thanked Richard and everyone who had a hand in the camp. The girls came to her house and started working from the time they arrived and they worked harder than the boys. She has a chimney on the side of her house and when she came outside, the girls were on top of the house painting the chimney. She enjoyed all of them. The painter crew bought her two quilts and the carpenter crew made her something. On Friday night they all cried together because they knew they would not see her again. She thanked everyone who had a hand in the Workcamp and she feels good about standing up here today.

Heather Seders, 312 Smith Avenue, stated that it amazed her about all the people who were involved in the Group Workcamp. She thought they would just come and paint and then go away. She had no idea how much help they would provide. It was the whole community and she is still high from it. People go by and say how beautiful her house looks and they also put a porch out back that she has enjoyed. The last day she thought they were all done but she heard hammering and sawing. The campers had taken some of the scrap wood from the porch and they made a little wooden cross and signed the back of it. That was very personal and this is the type of people who were working on her house for a week. It was so inspiring and she wished everyone could share it.

Vanassa Flucas stated that they had a special video presentation highlighting the 2017 Southern Hospitality Group Workcamp which was produced by Marcus McConico, Metro 17 Coordinator.

EMPLOYEE OF THE MONTH AWARD

Consideration of the August, 2017 Employee of the Month Award (Kenneth Lowe, Utilities Department).

Kenneth Lowe began his employment with the City of Valdosta Utilities Department in July, 2015 as an Assistant Superintendent at the Mud Creek Water Pollution Control Plant (WPCP), which is the position he currently holds. Ken is an excellent employee and has performed at his job duties very well. He has also done work outside the scope of his normal responsibilities. Over the past year, State and Federal regulatory agencies have been in the process of migrating two programs of electronic submission for the NPDES Permit reporting for Water Pollution Control Plants. This process was finalized on May 22, 2017. During the past two weeks, Ken has worked diligently to ensure that the Mud Creek WPCP is registered and set up to submit the monthly reports to the State and Federal agencies. Ken also voluntarily assisted the newly hired Withlacoochee WPCP Superintendent, Ricky Cornelius, on the registration and setup of their system for reporting. His assistance to Ricky was invaluable in getting their system correctly set up and on time. While working on this Project, Ken saw and brought to the

attention of both Plant Superintendents that both Treatment Plants might be conducting yearly sampling and outside lab analysis of treated effluent that is no longer required by permit. This was verified with the State Environmental Protection Division (EPD) Inspectors and will save the City of Valdosta a considerable amount of money in outside laboratory analysis fees. As Coach Lou Holtz once said, "Ability is what you're capable of doing. Motivation determines what you do. Attitude determines how well you do it." With Ken's ability to do things above and beyond the norm, his desire and diligence to make sure it is done correctly and efficiently, and his unselfish attitude to help others, it is for these reasons and many others that the Employee Relations Committee nominated Kenneth Lowe as Employee of the Month.

APPROVAL OF MINUTES

The minutes of the July 20, 2017 Regular Meeting were approved by unanimous consent (7-0) of the Council.

PUBLIC HEARINGS

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS TABLED

Consideration of an Ordinance to rezone 1.57 acres from Single-Family Residential (R-15) to Single-Family Residential (R-10) as requested by Tombrooks LLC (File No. VA-2017-10). The property is located at 318 Eager Road. The Greater Lowndes Planning Commission reviewed this request at their July Regular Meeting and recommended approval (4-1 Vote).

Matt Martin, Planning & Zoning Administrator, stated that this afternoon he received an Email from the applicant formally requesting that both of their requests be tabled for one month to the September 7, 2017 Council Meeting.

A MOTION was made by Councilman Carroll to table the request to rezone 1.57 acres from Single-Family Residential (R-15) to Single-Family Residential (R-10) and the Planned Development approval for a proposed mixed residential redevelopment within a Single-Family Residential (R-10) Zoning District as requested by Tombrooks LLC until the September 7, 2017 Council Meeting. Councilman Norton seconded the motion. Mayor Gayle stated that the applicant will have to pay for re-advertising. Councilman Carroll stated, for clarification, that if the changes are significant enough it will have to go back to the Greater Lowndes Planning Commission. Matt Martin, Planning & Zoning Administrator, stated that was correct. He spoke with the applicant this afternoon and they anticipate only minor changes based on some of the discussion at the Work Session and from Staff's recommendations. They were not able to affect those changes yet due to some of their Staff being out of town. The motion was unanimously adopted (7-0).

AN ORDINANCE FOR A PLANNED DEVELOPMENT APPROVAL TABLED

Consideration of an Ordinance for a Planned Development approval for a proposed mixed residential redevelopment within a Single-Family Residential (R-10) Zoning District as requested by Tombrooks LLC (File No. VA-2017-11). The property is located at 316 and 318 Eager Road. The Greater Lowndes Planning Commission reviewed this request at their July Regular Meeting and recommended approval with ten conditions (5-0 Vote).

Mayor Gayle stated that this request was tabled along with the rezoning request until the September 7, 2017 Regular City Council Meeting.

ORDINANCE NO. 2017-16, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

Consideration of an Ordinance to rezone two parcels totaling 1.12 acres from conditional Multi-Family Residential (R-M)(c) to Multi-Family Residential (R-M) as requested by Jon Nijem (File No. VA-2017-12). The property is located at 410 and 412 Baytree Road. The Greater Lowndes Planning Commission reviewed this request at their July Regular Meeting and recommended approval (5-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Jon Nijem is requesting to rezone two parcels totaling 1.12 acres from conditional Multi-Family Residential (R-M)(c) to Multi-Family Residential (R-M). The property is located at 410 and 412 Baytree Road. This is along the north side of the road, approximately 400 feet west of Azalea Drive and across the street from the Valdosta State University (VSU) Physical Education (PE) Complex. The two parcels currently contain an existing fraternity house and the former "Catholics on Campus" student center. The applicant is proposing to combine the parcels together and redevelop them as an apartment complex consisting of 24 dwelling units. The applicant is also seeking Planned Development approval for this proposed development, which is being processed concurrently with this request (File No. VA-2017-13). The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-M Zoning. The property is also located within the University Zone of the Baytree-University Corridor Overlay District. The property consists of two of the eight parcels of land that were rezoned to conditional R-M in 2014 for a larger proposed apartment complex as requested by Turner Brooks LLC (File No. VA-2014-07). There were four conditions placed on the approval. Only two of these conditions have any bearing on the subject property: Condition (1) For multi-family development, combine all parcels of land into one lot, and Condition (3) Buffer yard landscaping shall include a minimum of 3 canopy trees, 4 understory trees, and 30 shrubs per 100 linear feet. Buffer yards shall maintain a minimum width of 20'. There shall be an unbroken 6' tall opaque solid fence or wall along the entire western boundary as well as the entire frontage area of Pinetree Road. This current request is also very similar to a subsequent rezoning request for one of the eight parcels located at 400 Baytree Road which was approved as a rezoning from R-M(c) to R-P in 2015 (File No. VA-2015-07 requested by Thomas Shapard). The only difference is that Condition (1) is the only original condition that was applicable to the request at 400 Baytree Road. The applicant is proposing to demolish the existing buildings and construct their own apartment complex that is architecturally similar to the complex that was recently constructed on the R-P parcel at 400 Baytree Road. Because the applicant is proposing to redevelop the property (two lots) in complete independence of the other five remaining lots from the approved R-M(c) Zoning in 2014, the applicant must rezone the property in order to remove Condition (1) from the previous 2014 approval. In this case, the applicant is also requesting the removal of the other conditions as well presenting the argument that they would no longer be needed for the development of just these two lots. Staff agrees with this. It should be noted that in 2015 Staff also recommended approval of non-conditional R-M Zoning for the corner lot at 400 Baytree Road as well. The subject property is part of a corridor of existing development along Baytree Road that consists of residential and office/institutional uses. Based on existing zoning and land use patterns along this portion of Baytree, and also the NAC Character Area, Staff still believes that high density residential development is indeed an acceptable land use for these properties along Baytree Road. This property is already zoned R-M(c) and the question of whether or not multi-family development should be allowed here has already been decided. It is now simply a question of whether or not the four conditions of approval from the 2014 decision, or perhaps some other conditions of approval, should remain with just these two lots. All of the conditions of approval from 2014 were primarily written with the Pinetree Road properties in mind, and these were intended to protect the adjacent Alden Park neighborhood to the north and help mitigate negative impacts of possible encroachment into that neighborhood. The subject property only has frontage on Baytree Road, and most of its northern boundary is along properties that would still be zoned R-M(c). The intent behind these zoning conditions is no longer as applicable, when considering development on just these two lots. Staff found the rezoning 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 July 31, 2017 Regular Meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (5-0 Vote).

A citizen, who did not state his name or address, spoke in favor of the request. He stated that he was in support of the Baytree development because development on that road is related to business growth where residents would have proximity to things. We have seen video on volunteers improving their community by improving the houses and some of the plans for the Baytree Road development; however, we need to contrast that with the idea of cramming in shoehorn, almost two dozen condos or cheap duplexes into an area where we cannot accommodate the traffic. Mayor Gayle asked the citizen if he was speaking in favor of the request or in opposition. The citizen responded that he was in favor of the Baytree development and commenting upon how much better it is than the Eager Road proposal. He would like to see more development of the Eager Road proposal and not rush it through.

Jon Nijem, 8428 Coffee Road, spoke in favor of the request. He stated that he could put 20 apartments with two or three bedrooms on the lots but he decided to put one bedroom and one bathroom units which takes it

down to 24 apartments. There is a need for it and he is not trying to see how much he can put there. His brother did another development on the corner which looks very nice. He has met several times with Jimmy Cone, Architect, and Matt Martin, Planning & Zoning Administrator, to make everyone happy on how this was designed. The two houses that are on the lots look very rough on the inside. One was a fraternity house that had 24 people staying there. He wants to take the area and make it look very nice. He felt there was a need for one bedroom, one bath apartments and the placement of the buildings on the lots will be very nice. He has houses behind this development and he is against putting apartments in that subdivision. This will take care of anybody developing back there because if you take these lots on the front you cannot have it back there in that neighborhood. Councilman Yost inquired as to whether they would hear this rezoning request and then the Planned Development request, or would they be voting on the rezoning and then hear the Planned Development. He would rather hear both and then vote separately on them. He would like to ask some questions not necessarily about the rezoning, but about the setbacks that may determine whether the applicant agrees with the Planning Staff. He would like to have it all out on the table first and know if the applicant is willing to go along with the recommendation of Staff. Mayor Gayle stated they could hear both requests and then vote separately and asked if there were any other questions from Council. There were no further questions.

No one spoke in opposition of the request.

A **MOTION** was made by Councilman Yost to approve the rezoning request as presented. Councilman Payton seconded the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2017-16, an Ordinance to rezone two parcels totaling 1.12 acres from conditional Multi-Family Residential (R-M)(c) to Multi-Family Residential (R-M) as requested by Jon Nijem, the complete text of which will be found in Ordinance Book XIV.

ORDINANCE NO. 2017-17, AN ORDINANCE FOR A PLANNED DEVELOPMENT APPROVAL FOR A PROPOSED APARTMENT COMPLEX WITHIN A MULTI-FAMILY RESIDENTIAL (R-M) ZONING DISTRICT

Consideration of an Ordinance for a Planned Development approval for a proposed apartment complex within a Multi-Family Residential (R-M) Zoning District as requested by Jon Nijem (File No. VA-2017-13). The property is located at 410 and 412 Baytree Road. The Greater Lowndes Planning Commission reviewed this request at their July regular meeting and recommended approval with seven conditions (5-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Jon Nijem is requesting Planned Development approval for a proposed apartment complex within a Multi-Family Residential (R-M) Zoning District. The property consists of two parcels totaling 1.12 acres located at 410 and 412 Baytree Road. This is along the north side of the road, approximately 400 feet west of Azalea Drive and directly across the street from the VSU PE Complex. The two parcels currently contain an existing fraternity house and the former Catholics on Campus student center. The applicant is proposing to combine the parcels together and redevelop them as an apartment complex consisting of 24 dwelling units with all being one-bedroom units. If the property is successfully rezoned, then it becomes eligible for this Planned Development request. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan. The property is also located within the University Zone of the Baytree-University Corridor Overlay District (BUCOD). Planned Development approvals are reviewed and considered in much the same way as a Conditional Use. In this case, the applicant's proposed development consisting of 24 dwelling units on 1.12 acres is not eligible under R-M Zoning because it is too dense. R-M Zoning allows up to 18 units per acre which equates to a maximum of 20 dwelling units on this subject property; however, Planned Development requests allow the applicant to propose up to 20% additional units as a possible bonus density in exchange for superior aesthetics and creative site design with due justification. Staff does not believe the applicant's proposal demonstrates sufficient creativity for this; however, the applicant does have a compelling argument in that all of the proposed dwelling units are one-bedroom. Under conventional development (without Planned Development), R-M Zoning allows units to have up to four bedrooms each. Most complexes have a mixture of dwelling unit sizes, with two-bedroom units often being the average and these are certainly the most dominant along the Baytree Road corridor. With a conventional maximum of 20 dwelling units on the property and all of them being two-bedroom units, the complex would have a total of 40 bedrooms and could conceivably have up to 80 bedrooms (four-bedroom units) if the buildings were tall enough and the parking design would fit. The applicant is only proposing a total of 24 bedrooms, as a self-imposed

limitation as part of the Planned Development approval. In effect, the project would have less total building mass, less overall parking, and would seem less dense than it could be otherwise as regular development. As a result, there will be less impervious surface and more greenspace in the development, and in this way the applicant is able to propose a little more aesthetics in the overall site design. The only other notable deviation from standard development requirements is that the applicant is proposing the buildings to be closer to Baytree Road than what the BUCOD Overlay District requires. For this property, the Overlay District requirement is a minimum of 50' front yard setback, which is based on an average setback distance of existing nearby buildings. By comparison, R-M Zoning only requires a minimum 15' front yard setback, and the applicant is proposing 25' for one of the buildings (the other front building is at 50'). This proposal is not too far out of character in comparison to other new buildings that have been built along this portion of Baytree, and it is within the requirement for conventional R-M Zoning. It should also be noted that the applicant is proposing an additional building setback distance from the R-10 property to the west (20' instead of 8') as well as more buffer yard width, additional landscaping, and a perimeter fence that is not otherwise required. In short, the applicant's Planned Development request is being triggered essentially just because of four additional dwelling units, and a reduced front yard setback for one of the proposed buildings. The project could otherwise be constructed under conventional zoning standards. In exchange for the few deviations, the applicant is proposing a development that is seemingly less dense, has improved site aesthetics, and has a little greater separation from surrounding properties than is otherwise required. Staff found the request consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval subject to the following conditions: (1) Approval shall be granted for a multi-family residential development in general accordance with the submitted layout plan, including the minimum building setback distances as shown. Both parcels shall be combined together as one parcel. (2) There shall be no more than 24 dwelling units total, and all of these shall be one-bedroom units in accordance with R-M Zoning standards. (3) Building height shall not exceed two stories. (4) There shall be connecting interior sidewalks and one driveway access from Baytree Road. (5) The perimeter of the property shall include buffer yard landscaping as required next to the neighboring R-10 Zoned properties, as well as required trees and shrubs in the Baytree street yard and through the rest of the development as required by the City's Land Development Regulations (LDR). There shall be a minimum 4' high decorative fence along Baytree Road and along the side property lines for a distance of 25' from Baytree Road. The remainder of the side and rear property lines shall include a minimum 6' tall solid opaque fence or wall. (6) All other applicable development standards and requirements shall be followed. (7) Construction of the development shall commence within three years. Otherwise, Planned Development approval shall automatically expire. The Planning Commission reviewed this at their July 31, 2017 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval subject to the same seven conditions as recommended by Staff (5-0 Vote). Matt Martin stated that this afternoon he sent a revised site plan to the Mayor and Council that the applicant's Architect had submitted. It is basically the same site plan but they are proposing to shift the parking and the buildings back ten feet for the purpose of gaining two additional parking spaces near Baytree Road. The result of doing that is the building on the left side that is closer to Baytree Road, had a minimum setback requirement of 50' and now they are proposing 25'. With a 10' shift that goes from 25' to 35' and by comparison, R-M Zoning only requires 15' to start with. The number of parking spaces for 24 bedrooms has a minimum of 24 and they had previously proposed a site plan with 30. Now they are proposing 32. This is still well above the minimum requirement. The more notable change is the two buildings on the north end of the property which were originally planned to have a 25' building setback for two-story apartment buildings. They are now proposing that be reduced to a 15' setback. The concern is that the two-story buildings would be closer to the property line and there are single-family residences on the other side. It also squeezes the buffer yard. R-M next to R-10 property, which would be the parcel to the northwest, is required to have a 20' buffer yard and it can be smaller if you put in a solid fence. There is also a separation requirement between buildings and buffer yards of 5'. Under the old plan, a 20' buffer plus a 5' separation gave you a total of 25', which is what they proposed, and it also met the R-M requirement for rear yard setback. With the building being 15' away and the 5' separation factored in, you only have a buffer yard of 10'. Staff felt that the two additional parking spaces are not really needed per Code requirements and it has a negative impact on some of the surrounding properties. In their view, the shift of 10' is not worth the two parking spaces that are not needed. They prefer the original plan with the recommended conditions from the Greater Lowndes Planning Commission. Councilman Payton inquired as to whether the Planning Commission had seen the latest request. Matt Martin stated that the Planning Commission had not seen the latest request. He received the revised plan late this morning and there was not a significant change to it but just the 10' shift. The Planning Commission might have an opinion like Staff about the shift, but they have not had a chance to review it. He did speak to the applicant's Architect yesterday about the idea of doing this and expressed to him at that time that he could not support this. The Architect was

going to discuss this with the applicant and he did not know if they would actually propose it or not. This morning, Staff received the submittal. Councilman Payton inquired as to whether the Architect gave any rationale for the request. Matt Martin stated that there seems to be a desire to have more parking. The 24 spaces to 30 gives them 6 visitor spaces and adding 2 more raises it to 8 which is not a significant difference and it is still above the minimum. He was more concerned about the reduced setback on the north end.

Jon Nijem, 8428 Coffee Road, spoke in favor of the request. He stated that this was not really for the two parking spaces but it would look better if this development was set back from Baytree Road a little bit. The left building, if you are looking from Baytree Road, is 25' from Baytree; however, the whole design of it would look better with 10' more. He took some pictures this morning of the back area so that Council could see what it looked like. They are going to have 25' of nothing. He is putting up a solid fence and there are very tall trees that will remain on the fence line. On the back of these buildings there are no balconies. If he was putting balconies on the back of the buildings then he would not even be standing here. He would like to take 10' and put up a private fence for a buffer. Mayor Gayle inquired as to whether the buildings had any exit to the rear. Mr. Nijem stated that they do not. Councilman Vickers inquired as to whether the vegetation would stay where it is at. Mr. Nijem stated that it would remain in place. He is not going to knock down the trees on the line and he would put up a solid fence on the back, left, and right, and he will put up a decorative fence in the front. Mayor Gayle inquired as to whether he was asking Council to approve the proposal that was sent to Matt Martin this morning. Mr. Nijem stated that was correct. Councilman Yost stated that the problem he has is that there is not enough room to go back any further. He agrees that a little further off of Baytree Road would be better; however, if you go back then he is concerned about the neighbors. He would like to protect their rights. Mr. Nijem stated that he understood and that is why he is putting up a privacy fence and landscaping. There will still be 15' of nothing. Councilman Yost inquired as to how Mr. Nijem would feel if he lived on Pinetree Road and his fence and yard backed up to apartments that either looked down on you or you could see through the fence. He does not think they need any more apartments in his District; however, this development fits the location and the apartments will be rented. He would not vote for this if you want to go back 10' and encroach on the neighbors who live back there and own their property. This proposal needs to be as it was presented originally and not encroach on the neighbors. Mr. Nijem stated that if he lived on Pinetree Road he would not have a problem at all because 10' will not make a difference. Councilman Carroll stated that if this was a single story structure he would not have a problem going further back; however, this is a two-story structure with windows. He agrees with Councilman Yost as far as his support. Mr. Nijem inquired as to whether all of the Council was leaning in the same direction because he had another proposal. Councilman Vickers inquired as to how much the investment would be for this development. Mr. Nijem stated that it was approximately \$1.2 million.

Martha Coppage, 2803 Willow Wood Circle, stated that she was not speaking in opposition to the request but she used to live on Pinetree Road and had some questions. Ms. Coppage inquired as to whether there would be a limit as to the number of people who can live in each apartment. Matt Martin, Planning & Zoning Administrator, stated that technically and legally they could not limit that because they would get into the definition of family and they are not allowed to define that; however, these are not large apartments so they are limited by space. Years ago they could limit that but not anymore. Ms. Coppage stated that conceivably three people could live in each apartment. Matt Martin stated that conceivably yes. Ms. Coppage stated she was asking that question because of the parking. If there are two people in each apartment then that would be 48 cars. Mayor Gayle stated that if that was the case they would not be able to find a parking spot because there would only be 30 or 32 parking spaces. Councilman Yost stated that Mr. Nijem had said that parking was not the problem but he wanted to go back further on the lot. There could be a problem if there were three people living in one apartment. Ms. Coppage inquired as to how tall the fence in the back would be. Councilman Yost stated that it would be a 6' fence. Ms. Coppage inquired as to whether it would be 10' between the apartment building and the other person's property line. Councilman Norton stated it would be 15'.

No one spoke in opposition to the request.

Mayor Gayle stated that he would give Mr. Nijem one minute to speak but there was not another proposal on the Agenda for tonight. Council has not been presented with a third proposal and they would only be looking at two proposals: (1) If there was a 25' setback from the back, or (2) If there was a 15' setback. Councilman Yost stated that if Mr. Nijem had another proposal he may want to postpone the request. Mayor Gayle stated that Mr. Nijem could refer it back to the Planning Commission and bring the third proposal back in another 30-45 days. Mr.

Nijem stated that he did not know it had to be just two proposals. Mayor Gayle stated that even Matt Martin has not seen the third proposal. Councilman Yost inquired as whether Mr. Nijem would proceed with building the apartments if Council votes to approve what was presented at the Work Session and what was originally presented to Planning Staff. Mr. Nijem stated that he would have to build them as that if they approve it as that. Councilman Yost stated that he could have the option of not building them at all. Mr. Nijem inquired as to whether the Council members could just say what they think. Even if it went to 20' and he took 5' it would be better. He did not want to wait 48 days or maybe they have to do that going through the deal. Councilman Payton stated that Council has two options and that is what was initially presented and what was presented today. Mayor Gayle stated that they would proceed with those two options.

A MOTION was made by Councilman Yost to approve the original request as presented by Planning Staff. Councilman Vickers seconded the motion. The motion was unanimously adopted (7-0) to enact Ordinance No. 2017-17, an Ordinance to grant Planned Development approval on two parcels totaling 1.12 acres for Multi-Family Residential development in R-M Zoning as requested by Jon Nijem with the seven conditions noted above, the complete text of which will be found in Ordinance Book XIV.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2017-18, AN ORDINANCE TO AMEND CHAPTER 42 - ENVIRONMENT, ARTICLE III - NUISANCES, DIVISION 2 - VEGETATION OF THE CITY'S CODE OF ORDINANCES

Consideration of an Ordinance to amend Chapter 42 - Environment, Article III - Nuisances, Division 2 - Vegetation of the City of Valdosta's Code of Ordinances. (Second Reading)

Mark Barber, Assistant City Manager, stated that this is the Second Reading on the Ordinance to amend Chapter 42 - Environment, Article III - Nuisances, Division 2 - Vegetation of the City of Valdosta's Code of Ordinances. The proposed changes include the following: (1) added the Purpose of the Ordinance, (2) include the property owner's responsibility in keeping the perimeter shrubbery and plantings pruned in order to prevent traffic hazards and any type of interference with the use of public streets, (3) include the height of unkempt and unpruned shrubbery which will be considered a public nuisance once it is the height of six feet or more, (4) created a subsection which clarifies the owner's responsibility of mowing through the right-of-way to the curb or pavement, (5) changed the language from ten business days to ten calendars to alleviate the first citation of an overgrown lot, (6) added "calendar days" throughout the Ordinance where it said "days", (7) removed the physical posting of property on the first offense by the Code Enforcement Official, (8) changed the time from a "calendar year" to the "preceding 24-month period" as it relates to repeat and habitual offenders, (9) changed the wording where the property owner is summoned to Court a fine "shall" be issued as opposed to "may" be issued, (10) added a new section that the abatement of a nuisance before the property owner's actual physical Court date is not a defense as it relates to the fine, (11) added a new section in regards to the abatement of fees and the physical posting which will be at the Code Enforcement Office and the website, and (12) amended the structure of the applicable fines. Mark Barber recommended that Council approve the Ordinance to amend Chapter 42 - Environment, Article III - Nuisances, Division 2 - Vegetation of the City of Valdosta's Code of Ordinances.

A MOTION was made by Councilman Carroll to approve the amendments as presented by Staff. Councilman Norton seconded the motion. The motion was adopted (5-2) with Councilwoman Tooley and Councilwoman Miller-Cody voting in opposition to enact Ordinance No. 2017-18, an Ordinance to amend Chapter 42 - Environment, Article III - Nuisances, Division 2 - Vegetation of the City of Valdosta's Code of Ordinances , the complete text of which will be found in Ordinance Book XIV.

RESOLUTION NO. 2017-7, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTION TO PROCEED WITH PROJECTS AT THE VALDOSTA REGIONAL AIRPORT

Consideration of a request from the Valdosta-Lowndes County Airport Authority to approve a Resolution authorizing acceptance of a Contract with the Georgia Department of Transportation (GDOT) to proceed with taxiway marking enhancement, air traffic control tower analysis, passenger boarding bridge, air stairs, and Wildlife Hazard Management Plan Drainage Improvements Environmental Study at the Valdosta Regional Airport.

Mark Barber, Assistant City Manager, stated that the Valdosta-Lowndes County Airport Authority desires to proceed with the following projects at the Valdosta Regional Airport: (1) Taxiway marking enhancement, (2) Air traffic control tower analysis, (3) Passenger boarding bridge, (4) Air stairs, and (5) Wildlife Hazard Management Plan Drainage Improvements Environmental Study. The Georgia Department of Transportation (GDOT) has agreed and has offered to fund 75% of the cost of taxiway marking and control tower analysis, up to \$62,500, with the remaining 25% coming from the Valdosta-Lowndes County Airport Authority. Additionally, GDOT has agreed and has offered to fund half of the non-federal share, up to \$87,833 of the acquisition of a passenger boarding bridge for airline passengers, portable air stairs capable of serving mainline jet airliners and an Environmental Study for a future Drainage Project to aid in controlling wildlife at the Valdosta Regional Airport. The remainder of the local funds will come from Passenger Facility Charges collected from passengers that fly out of the Airport. There will be no City of Valdosta funds required for these Projects. GDOT is preparing a Contract which is expected to be in the amount of \$150,333 for the Projects which will be delivered to City Hall. The Contract must be executed and returned to GDOT quickly or the funds will be reassigned. A Resolution has been prepared authorizing Mayor John Gayle to accept the Contract in order to process the documents. Mark Barber recommended that Council approve the Resolution.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Resolution No. 2017-7, a Resolution authorizing the acceptance of a Contract with the Georgia Department of Transportation (GDOT) to proceed with taxiway marking enhancement, air traffic control tower analysis, passenger boarding bridge, air stairs, and Wildlife Hazard Management Plan drainage improvements environmental study at the Valdosta Regional Airport, the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2017-8, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH THE FEDERAL AVIATION ADMINISTRATION TO PROCEED WITH PROJECTS AT THE VALDOSTA REGIONAL AIRPORT

Consideration of a request from the Valdosta-Lowndes County Airport Authority to approve a Resolution authorizing acceptance of a grant from the Federal Aviation Administration (FAA) to proceed with acquisition of a passenger boarding bridge, air stairs, and Wildlife Hazard Management Plan Drainage Improvements Environmental Study at the Valdosta Regional Airport.

Mark Barber, Assistant City Manager, stated that the Valdosta-Lowndes County Airport Authority desires to proceed with the following Projects at the Valdosta Regional Airport: (1) Acquisition of a passenger boarding bridge, (2) Air stairs, and (3) Wildlife Hazard Management Plan Drainage Improvements Environmental Study at the Valdosta Regional Airport. The FAA agreed and has offered to fund 90% of the cost of the acquisition of a passenger boarding bridge for airline passengers, portable air stairs capable of serving mainline jet airliners, and an Environmental Study for a future Drainage Project to aid in controlling wildlife at the Valdosta Regional Airport. The remainder of the funds will come from the Georgia Department of Transportation and Passenger Facility Charges collected from airline passengers that fly out of the airport. There will be no City of Valdosta funds required for these Projects. The FAA is preparing a grant which is expected to be in the amount of \$1,440,910 for the Projects which will be delivered to City Hall. The Contract must be executed and returned to the FAA expeditiously. A Resolution has been prepared authorizing Mayor John Gayle to accept the grant in order to process the documents. Mark Barber recommended that Council approve the Resolution.

A MOTION by Councilman Payton, seconded by Councilman Norton, was unanimously adopted (7-0) to enact Resolution No. 2017-8, a Resolution authorizing the acceptance of a Contract with the Federal Aviation Administration (FAA) to proceed with passenger boarding bridge, air stairs, and Wildlife Hazard Management Plan Drainage Improvements Environmental Study at the Valdosta Regional Airport, the complete text of which will be found in Resolution Book V.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of Easement Agreements with Georgia Power for solar arrays on Val Tech Road at the old landfill near Valdosta State Prison and at the Police Department firing range.

David Frost, Assistant Utilities Director, stated that the City of Valdosta has been working with Hannah Solar and Georgia Power through a competitive process to be selected for a solar panel site where the City would allow Hannah Solar to use some of our excess property for placement of solar panels at both the old and new Withlacoochee Wastewater Plants. In a 2016 Council Meeting, the City agreed to contract with Hannah Solar on utilizing two tracts of land for them to build additional solar arrays by which they would sell power on the grid to Georgia Power. Instead of getting land lease payments from Hannah Solar, Hannah would build the City a separate solar array to provide power to the new Withlacoochee Plant. At the end of six years, Hannah Solar would deed the solar array to the City. Hannah would have all responsibility for construction, set-up, operation, and maintenance for the first six years. The solar array to be built and ultimately deeded to the City would provide 50kW of power, which would provide a portion of the power needed for the Treatment Plant. Using solar power instead of electricity would provide greater savings to the City than a land lease would generate in income. This same concept is now being utilized at the old and new Withlacoochee facilities. The solar array would save the City approximately \$9,000 per year and over \$270,000 over a 30-year period in present day costs. Georgia Power needs an easement for the distribution line that will be going into the new solar fields at both the old landfill and Police Department Firing Range sites. Henry Hicks, Utilities Director, reviewed the easements and Exhibit A's and based on the maps, these easements will not encroach on any utility infrastructure. David Frost recommended that Council approve the of Easement Agreements with Georgia Power for solar arrays on Val Tech Road at the old landfill near Valdosta State Prison and at the Police Department firing range. Councilman Carroll inquired as to the timeframe when the Plant will be operating in part with solar power. David Frost stated that the Mud Creek Plant is currently on-line and has been since December, 2016 and the solar arrays that are under construction at the Withlacoochee Wastewater Treatment Plant should be ready September 1, 2017.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (7-0) to approve the of Easement Agreements with Georgia Power for solar arrays on Val Tech Road at the old landfill near Valdosta State Prison and at the Police Department firing range.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of appointments to the Valdosta Housing Board of Adjustments & Appeals.

Mayor Gayle stated that he has been studying the Valdosta Housing Board of Adjustments and Appeals and currently all the terms for members on this Board have expired and several have resigned. This is an Appeal Board and it has to do with somebody who does not like the way the City Marshals enforce things such as the height of the grass. They can go to this Board and make an appeal. We have not had anyone appeal anything in quite some time and so several members resigned. The membership of this Board shall consist of a minimum of three members and we currently have three people who have applied. They would then need to elect a Chairman of the Board to be the leader. The Valdosta Housing Board of Adjustments and Appeals has three members, Barbara Cunningham, Franchesca Griffin, and Rouse Vallotton, whose terms expired on August 7, 2017 and two members, Thaddeus Blue and Klinton Anselm, whose terms expired on August 7, 2016. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants are as follows: (1) Thomas W. Daughtrey - Retired (First Choice), (2) Malcolm Mayfield - Emergency Preparedness Associate (South Health District), and (3) John Valdes - Self Employed (Solar Integrated Products). Mayor Gayle entertained a motion to appoint the three applicants and continue to advertise and get more people involved in this Board.

A MOTION was made by Councilman Carroll to approve the appointment of Thomas W. Daughtrey, Malcolm Mayfield, and John Valdes to serve a term of three years on the Valdosta Housing Board of Adjustments & Appeals. Councilman Norton seconded the motion. Councilwoman Tooley inquired as to whether there was anyone currently serving on the Board. Mayor Gayle stated that the members have either resigned or not asked to be reappointed. Councilman Payton inquired as to whether this was City and County appointees. Mayor Gayle stated that this was just City appointees. Councilman Payton stated that this Board would do something if there was a complaint and we have not had any complaints. Mark Barber, Assistant City Manager, stated that it is complaints that we cannot agree to and we try to resolve it before it gets to that level. Councilman Payton inquired as to what would happen if members of Council were appointed to serve on that Board at the Mayor's discretion or if they volunteered to serve on the Board. Mayor Gayle stated that it was not set up for him to make those appointments to this particular Board right now. Councilwoman Tooley inquired as to whether they had appointees

from the City and County. Councilman Carroll stated that there was not a County appointee on this Board. Councilman Vickers stated that he thought this Board would hear appeals on buildings. Mayor Gayle stated this Board would hear appeals on things like what was just passed in the Grass and Weed Ordinance. Councilman Vickers stated that he did not object but he would like for the City Attorney to look into this and provide Council with some guidance by the next Council Meeting. Mayor Gayle stated that verbiage for this Board is as follows: "Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals provided that a written application for appeal is filed within 20 days. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted." Tim Tanner, City Attorney, stated that his experience with this Board was years ago when they had a lawsuit filed by a man who wanted to put up an eight foot fence in his front yard. Pursuant to then you could not do that due to zoning regulations. He appealed it and they heard it in Court. It can be confusing because you have another Board that it could also fit. He will take a look at it though. Councilman Carroll stated that he agreed with Councilman Payton and considering the frequency that this Board is called upon, Mayor Gayle may want to consider the other two appointments as being members of Council. The motion was unanimously adopted (7-0).

Consideration of appointments to the Valdosta-Lowndes County Construction Board of Adjustments & Appeals.

Mayor Gayle stated that the Valdosta-Lowndes County Construction Board of Adjustments and Appeals has two members, John Sineath (General Contractor, Devcon Corporation) and Erik Cox (Southern Builders Supply), whose terms expired on June 30, 2017. Mr. Sineath and Mr. Cox have not expressed an interest in serving again. One of these appointments must be a General Contractor. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The only applicant was Thomas W. Daughtrey - Retired (Second Choice). Councilman Vickers inquired as to whether this Board meets on appeals. Mark Barber, Assistant City Manager, stated that before Mike Martin, former Director of Inspections, retired two years ago, they had not had any appeal in several years. We are now communicating better with the rules and regulations and with this Board that could be a reason why they do not meet. Councilman Vickers stated that they may want to look at combining the two Boards.

A MOTION by Councilman Carroll, seconded by Councilman Payton, was unanimously adopted (7-0) to table this item indefinitely to allow time for Staff and the City Attorney to come up with some alternatives.

CITIZENS TO BE HEARD

Hazel Gibbs, 402 Griffin Avenue, stated that she has a water problem at her residence. She called the Utilities Department and told them about the problem inside her house. They came out, took pictures, and sent someone else out the next day. The problem with the water is causing discoloration of the tubs and specks left on utensils and glassware. It is a white, dusty-looking texture. They were supposed to come back and do a water test that she requested but to her knowledge no one has been back to do that. They told her that she did not have to be there for the test and she did not know whether they had done a test or not. She would like for someone to test the water to find out what is causing the problem. She did not know if there was some type of mold underneath her house causing it but she needs someone to help her because it is beyond her control. There is no drainage on the City's property line to let water run-off. They did some new construction of the walkways and she begged for dirt to be scattered everywhere to keep the water from piling up around the areas. Mayor Gayle stated that they would have someone look into her problem.

Jim Parker, 1714 North Lee Street, stated that as a member of the MPO Citizens Advisory Committee, he is an advocate for public transportation in the City of Valdosta. The City needs to do what it can to get public transportation in our community and not wait for the County Commission to get on board. Also, many other communities are passing Resolutions to move 100% to renewal energy sources for their energy needs in the future and he would like for Council to consider this. He would like to see it in Valdosta in 2025 or 2030 and he encouraged Council to consider passing a Resolution.

Mark Barber, Assistant City Manager, stated that he had no report at this time.

COUNCIL COMMENTS

Councilman Yost thanked Vanassa Flucas, Neighborhood Development Manager, and her Staff for another great Southern Hospitality Group Workcamp.

Councilman Carroll thanked Councilman Vickers, City Manager Larry Hanson, and Staff for the new follow-up report they now get on Citizens to be Heard.

Councilwoman Miller-Cody stated that they will be honoring the late Councilman James Wright by having a ribbon cutting to rename Deeb Street on Saturday, August 26, 2017 at 10:00 a.m. The Mayor and Council are invited to attend.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the August 10, 2017 Meeting of the Valdosta City Council at 7:14 p.m. to meet again in Regular Session on Thursday, August 24, 2017.

City Clerk, City of Valdosta

Mayor, City of Valdosta