

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, MARCH 9, 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, Sandra Tooley, Robert Yost, and Vivian Miller-Cody. Councilman Alvin Payton, Jr. was absent. Mark Barber, Assistant City Manager, filled in for Larry Hanson, City Manager, who was absent. The invocation was given by Pastor David Northcutt, Mt. Carmel Church, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**EMPLOYEE OF THE MONTH AWARD**

Consideration of the March, 2017 Employee of the Month Award (Firefighter Michael Penland, Fire Department).

Michael Penland began his employment with the City of Valdosta Fire Department in August, 2016 and he presently holds the position of Firefighter. Firefighter Penland is responsible for responding to emergency incidents and providing fire, rescue, medical, haz-mat, and special rescue services to the citizens and community. Earlier this year, Firefighter Penland was inside his home when he suddenly heard someone screaming outside. When he went outside to investigate, he witnessed a citizen on the ground being attacked by a pit bull. He immediately placed himself between the citizen and the dog in an attempt to rescue the female from the attacking dog. Firefighter Penland was able to scare the dog away without any severe injuries to himself or the dog. Firefighter Penland stayed with the citizen and provided first aid care until EMS arrived on the scene. Thanks to Firefighter Penland's quick actions, the citizen only received a few bruises and several cuts that required stitches and the dog was retained by animal control. Someone once said, "Training produces the skills; Circumstance provides the opportunity; Experience instills true knowledge." Firefighter Penland put his training and skills to work to help in this situation. For these reasons and many others, the Employee Relations Committee nominated Firefighter Michael Penland as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the February 23, 2017 Regular Meeting were approved by unanimous consent (6-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2017-5, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance for a Planned Development approval for a mixed use development in a Community-Commercial (C-C) Zoning District as requested by Crown Real Estate Development, LLC (File No. VA-2017-05). The property is located at 2107 Baytree Road. The Greater Lowndes Planning Commission reviewed this request at their February Regular Meeting and recommended approval with nine conditions (7-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Matt King, on behalf of Crown Real Estate Development, LLC is requesting Planned Development approval for a mixed use development in a Community-Commercial (C-C) Zoning District. The property consists of 7.42 acres located at 2107 Baytree Road which is along the north side of the road near I-75 and adjacent to The Grove Apartments. This is the same property that was rezoned three months ago (File No. VA-2016-16). The applicant would now like to pursue Planned Development approval for his proposed Project that would consist of 140 multi-family dwelling units (281 bedrooms) and a total of about 45,000 square feet of commercial/office/restaurant space. The development would

be constructed in three phases, and divided into five multi-story buildings with one of them being a multi-level parking deck. The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan. The property was originally developed as the Elks Lodge and was zoned Residential-Professional (R-P). The Lodge closed and after sitting vacant for several years, it was rezoned to Highway-Commercial (C-H) for a proposed shopping center development which never materialized. The northern part of the Elks Lodge property was later sold and rezoned in 2009 for The Grove Apartment complex (216 units) which was built in 2010. This remaining portion of the Elks Lodge property (the subject property) continues to remain undeveloped. Based on a Planned Development master plan, the applicant is proposing to develop the subject property as a mixture of multi-family and commercial/office type buildings in the following phases: (1) Phase 1 – Building 1 will be 5 floors with 62 dwelling units, 113 bedrooms, 10,875 square feet of retail/office space, and 3,000 square feet of restaurant space; Building 4 will be 1 floor with 5,400 square feet of restaurant space; (2) Phase 2 - Building 2 will be 4 floors with 42 dwelling units, 93 bedrooms, 10,000 square feet of retail/office space, and 2,000 square feet of restaurant space; (3) Phase 3 - Building 3 will be 4 floors with 36 dwelling units, 75 bedrooms, 10,875 square feet of retail/office space, and 3,000 square feet of restaurant space; Building 5 will be a 5 floor parking deck with 400 spaces. Planned Development Approvals are reviewed and considered in much the same way as a Conditional Use. There is no zoning change to the property and the applicant would be free at any time to develop the property in accordance with the underlying Zoning District and other regulations up until development has commenced in accordance with the approved Planned Development. The property's existing C-C Zoning allows a wide range of commercial and office uses, as well as multi-family. The applicant is proposing a mixture of uses and a site layout design that in many ways is less intensive than what would otherwise be allowed in C-C Zoning. Despite its mainly commercial appearance, the predominant use of the development will be multi-family with the commercial uses being mainly retail and restaurant/service focused to create a more village-like atmosphere. In terms of surrounding zoning and land use patterns, all of these issues were discussed and addressed at the time of rezoning a few months ago and the surrounding conditions remain unchanged. Most of the surrounding properties are already developed as either multi-family or commercial type uses which is the same mixture being proposed with this Planned Development. The applicant's proposal meets all of the development standards of the C-C Zoning (such as setbacks or maximum impervious area), but it does not meet all of the supplemental standards for multi-family development (such as parking design and pitched roof requirements). However, such deviations from the City's conventional development standards are eligible for consideration under a Planned Development based on an approved master plan. Based on the existing C-C Zoning, the surrounding overall land use patterns, and the proposed design of the development, there are really very few issues or concerns. If it were not for the proposal to have both commercial and residential uses share the same building, the proposed development could likely be constructed conventionally and there would be no need for Planned Development approval; however, to help ensure a quality mixed-use development that avoids the pitfalls of a more extreme commercial development, certain conditions of approval are warranted for this development request. 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 for a mixed-use development consisting of multi-family residential and low-intensity commercial/office uses only and in general accordance with the submitted layout plan. Non-residential uses shall be limited to only the ground floor areas of buildings and shall not exceed 50,000 square feet of indoor space for the entire development. These uses shall be limited to all those non-residential uses permitted in C-C Zoning, but excluding the following: animal clinic or boarding, automotive uses (such as gas station, repair shop, taxi), daycare center, drycleaners, personal care service, telecommunications tower, used merchandise store or pawnshop, and utilities substation. There shall be no outdoor storage. Outdoor seating areas and temporary outdoor display of merchandise is allowed. (2) Residential uses shall be limited to live-work units, loft dwellings, or multi-family dwellings with no more than four bedrooms per unit. Overall residential development shall not exceed 150 dwelling units and unit floor areas shall comply with C-C Zoning requirements. (3) Buildings 1, 4, and 5 shall be limited to a maximum of five floors, and all buildings shall observe at least a minimum 40' setback from all property lines. (4) There shall be no more than two driveway entrances from Baytree Road to the south, nor more than two from Baytree Road to the west. Sidewalks shall be provided along both Baytree Road frontages. There shall be paved pedestrian walkways from the interior of the development connecting to these sidewalks as well as at least one interior walkway stubbed-out to The Grove Apartments to the north. (5) Parking areas, including required landscaping, shall be in compliance with LDR design requirements at the time of permitting. Total minimum required parking for the Project shall be equal to 1 space per bedroom plus 4.5 spaces per 1,000 square feet GFA of the non-residential uses including any designated outdoor dining areas. Parking shall be provided commensurate with each phase of the development. Any outdoor

dumpster areas shall be fully enclosed with solid walls and access doors. (6) All new outdoor signage shall comply with C-C Zoning requirements for a commercial multi-tenant facility. Each driveway entrance from Baytree Road shall be limited to no more than one freestanding sign that meets C-C Zoning requirements. (7) The required buffer yard adjacent to the existing R-10 Zoning area shall include an 8' solid fence or wall with increased landscaping to consist of at least 36 shrubs, 6 small and 2 canopy trees per 100 linear feet. All required trees in the buffer yard shall be evergreens. Existing trees and other vegetation in the buffer yard areas shall be retained where practical and credited toward landscape requirements. (8) All other applicable development standards and requirements shall be followed. (9) From the date of final approval, the development shall commence within five years (request for permits). Otherwise, Planned Development approval shall automatically expire. The Planning Commission reviewed this at their February 27, 2017 meeting, found it consistent with the Comprehensive Plan and the Planned Development Review Criteria, and recommended approval, subject to the same nine conditions as recommended by Staff (7-0 vote).

Jimmy Cone, 1806 Plum Street, spoke in favor of the request. Mr. Cone stated that he is the Architect for this Project and Matt King, the owner/developer, and Matt Phelps, Civil Engineer, are here tonight and will be glad to answer any questions.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Yost to approve the request as presented. Councilman Carroll seconded the motion. Councilman Vickers inquired as to whether the motion included the nine conditions. Councilman Yost stated that was correct. He also stated that we are overloading that short road with traffic. He has to look at the big picture and there are vacant lots and wooded areas down there which will be developed. He is worried about the amount of traffic on this road and the City is not going to be prepared for it. We tend to wait until we have a problem to fix it when we need to make sure that the problem does not occur by addressing the traffic now. Councilman Yost stated that he is challenging the Engineer and the Manager to stay on top of this. It is a great Project but it will only put more traffic on that road and when the rest of the area is built out there will be problems. We do not need to wait and we need to fix the problem now. The motion was unanimously adopted (6-0) to enact Ordinance No. 2017-5, an Ordinance for a Planned Development approval for a mixed use development in a Community-Commercial (C-C) Zoning District as requested by Crown Real Estate Development, LLC, the complete text of which will be found in Ordinance Book XIII.

## **ORDINANCE NO. 2017-6, AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS**

Consideration of an Ordinance to rezone 0.89 acres from Highway-Commercial (C-H) to Community-Commercial (C-C) as requested by Moh'd Admad Moh'd Darwish (File No. VA-2017-06). The property is located at 401 North St. Augustine Road. The Greater Lowndes Planning Commission reviewed this request at their February Regular Meeting and recommended approval (7-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that the applicant is requesting to rezone one parcel consisting of 0.89 acres from Highway-Commercial (C-H) to Community-Commercial (C-C). The property is located at 401 North St. Augustine Road, which is along the east side of the road between the intersections with Laura Street and Jones Avenue. The property is currently vacant and the applicant is proposing to develop the property with a small commercial shopping center. The main purpose of the rezoning is to reduce the width of the required rear yard buffer and front yard setback area in order to increase the property's buildable area. The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of C-C Zoning. In terms of zoning patterns, this portion of North St. Augustine Road is dominated by C-H Zoning although there are some properties with C-C and other Zonings. Some of the C-H properties contain C-C intensity uses and are therefore perhaps over-zoned. The subject property is much more shallow in depth than many of the nearby commercial properties, and is somewhat harder to develop. The applicant's motivation for down-zoning the property to C-C is in order to reduce the required minimum widths of buffer yards (by 10 feet along the rear property line) and the front yard building setback (by 10 feet) along North St. Augustine Road. The only actual area of concern for this is the rear boundary of the property which abuts existing single-family development. Development under C-C Zoning could potentially be 10 feet

closer than that of C-H; however, this minor shift is certainly very reasonable given the fact that C-C would also eliminate the possibility of the more intensive commercial uses allowed in C-H. The proposed C-C Zoning is certainly compatible with the patterns along North St. Augustine Road and would allow greater potential for quality development of this property that is also more compatible with adjacent residential area. 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 February 27, 2017 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 Vickers inquired as to the setback along the eastern property line. Matt Martin stated that the buffer yard is what is driving that and between C-H and Residential Zoning it is 30 feet. It is 20 feet with C-C Zoning. They will have to separate the buildings from the buffer yard by 5 feet so there is an extra gap in there. Councilman Vickers stated that it will be tight in there. Matt Martin stated that it could be. The stormwater is underground detention which is an expensive proposition. If they opt for surface detention it will open up some more space.

No one spoke in favor of the request.

No one spoke in opposition to the request.

**A MOTION** by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Ordinance No. 2017-6, an Ordinance to rezone 0.89 acres from Highway-Commercial (C-H) to Community-Commercial (C-C) as requested by Moh'd Admad Moh'd Darwish, the complete text of which will be found in Ordinance Book XIII.

## LOCAL FUNDING AND REQUESTS

Consideration of a request to appeal the decision on a Certificate of Appropriateness by the Valdosta Historic Preservation Commission for demolition of a building located at 902 North Ashley Street.

Mayor Gayle stated that the Appellant will speak first and will have 15 minutes. Then the Valdosta Historic Preservation Commission will have 15 minutes for rebuttal.

Patrick Cork, Attorney for the Appellant, stated that he wanted to add a couple of comments about the property that he did not mention last time. Ever since the property was transferred over to Insta Lube, they have had problems getting in and out on Ashley Street because of the proximity of the property to the traffic light at the Gordon Street intersection. It stays backed up and you can see the congestion at any time during the day on the front of that property. It is practically impossible to get in and out of there. The previous tenant, who was renting the property in January, is gone because there was inadequate parking. There was also extensive fire damage inside the building many years ago. At that time the building probably should have been taken down but they just covered it up and never used it. To use the building for its original purpose is not economically feasible at this time. It is a warehouse and the problem with the warehouse is that it is approximately 3-4 feet off the grade. The property slopes down to Ashley Street from the back of the property to the front. There are a number of problems with trying to use it as a warehouse. If it were to be converted to an office building, the owner would have to spend a ton of money and practically rebuild the building for the sake of historical preservation at 902 North Ashley Street. Mr. Cork inquired as to whether they could honestly say that taking down the warehouse would significantly change the historical character of the neighborhood on North Ashley Street because that is the standard we live by. If it does not significantly change the historical character of 902 Ashley Street or the 900 block or detract from it, then they should be allowed to take the building down. Mr. Cork asked Council's consideration in allowing them to demolish the building.

Celine Gladwin, Chairman of the Valdosta Historic Preservation Commission (HPC), stated that this is the second time the case is being appealed. This was reviewed extensively at the Work Session on Tuesday. The case went back to the HPC and was denied unanimously. Ms. Gladwin stated that she wanted to go over the Appellant's three specific areas in the application where they claim the HPC failed to follow the guidelines. Those areas are historical significance, economic feasibility of historical restoration, and the impact of demolition on the surrounding area's historical character. The question of historical significance comes up a lot and this property has

been deemed as a contributing property in the local Historic District. A lot of research goes into that and professionals were hired to help the City determine what buildings are contributing in order to create the Historic District. It takes a lot of time and the process is very extensive to create the Historic District. Ms. Gladwin stated that she is the current Chair for the National Historic Register for the State of Georgia and she has seen cases where the community spent more than ten years in trying to come up with a Historic District and to be able to properly document and research every contributing property. There are three elements that are considered for contributing property. Those elements are: (1) age, (2) integrity, and (3) significance. The property has to be old enough to be considered historic and, in general, it has to be at least 50 years old. It is thought that this building was built in the 1940's. The Foremost Dairy existed in 1952 so the building was built before then; however, even if the building was built in the 1950's, it would be at least 65 years old so the first criteria is met. To determine the integrity of a building you try to identify elements, events, architectural elements, and everything that links that building to its historic era. They also look at whether the building encompasses the original feel and the character of the building. Just by the fact that this building contained the Foremost Dairy that identifies the building's history very specifically. Significance is defined in three ways and is similar to integrity. It is defined by events, embodying physical and spatial characteristics of an architectural style, or by having the potential to yield information important to understanding the past of our community. If you cannot check off each of these criteria, then this building would not have been considered a contributing element. This is a historic building and is part of the Historic District. The next item is economic feasibility and it is difficult to talk about without proper assessment. They would have liked to have seen some sort of an assessment of the building. A reasonable economic return is determined by looking at whether the owner was aware of the fact that this was a historic building at the time of purchase and what the current economic return is on financial liabilities associated with the building. They also look at the number of attempts the owner makes to sell or rent the building and the use of available economic incentives. Reasonable economic return is not necessarily the highest and best use for a property when it is in the Historic District. Without adequate backup, it is difficult to determine whether the property is economically feasible or not. Ms. Gladwin stated that she has personally been involved in many rehabilitation projects and people specifically pursue them just because of the economic incentives available. The last item is the impact of demolition on the surrounding area's historical character. A Historic District can actually lose its designation because too many buildings have been pulled out so the integrity of the street is lost because buildings are taken out. There are so many examples of this in Valdosta. Patterson Street used to be called Millionaire's Row which was before buildings were removed and other types of structures were put into place. This building does form a very specific edge on the corner of Williams Street which is a historic street. This is the beginning of another Historic District in town. In summary, the HPC does not agree with the Appellants three items on the application and that the HPC failed to follow the guidelines, specifically these three items. Lastly, Council is tasked with determining whether the HPC abused its discretion in denying the application. Ms. Gladwin stated that she hoped Council was in agreement with what the HPC has done twice and Staff has also recommended denial.

Councilman Yost inquired as to when the applicant could bring the request back if this request for the appeal is denied. James Horton, Special Projects/Historic Preservation Planner, stated that the Ordinance suggests that they wait six months before the request is reheard by the HPC once there is a denial. It is not set in stone but it recommends that they take a six-month break in hearing it again unless there is a substantial change in the application. If the application was to change and there was no longer a demolition but a proposed rehabilitation, then it could come immediately back to the HPC. Councilman Yost inquired as to what would happen if Council denied the Appellant's request and they went ahead and tore the building down. James Horton stated that he was not sure about the exact process but he could give his opinion of what he understands to be the process. The first action that would happen is that a City Marshal would appear at the site with a Stop Work Order and stop the demolition. There would then be a \$250 fine that would be issued to the person working without a permit. The City Marshal would also set up a court date for a Municipal Court hearing where the applicant would not be able to do any more work at that point since the Stop Work Order was issued. Councilman Yost inquired as to whether there was anything in that process that would make them stop because they would only have to pay a \$250 fine which is not much. They could start at 6:00 p.m. one night because a City Marshal would not be at the office and have it demolished by the next morning. The \$250 fine is not going to make them stop and it might be worth \$250 to get the eyesore off the street. That in itself is a problem because that will not stop them from doing that. The fine system is broken. Celine Gladwin stated that if the applicant wanted to go that route he would have done so already. She appreciated the fact that the applicant is going with the system and using the process. She was hopeful that they would be able to reach a workable solution. Police Chief Brian Childress stated that if someone

was demolishing the building at night and a Valdosta Police Officer rides by there and sees it they will call the City Marshal's office or someone. If it is determined that this Council has made a decision for them not to tear the building down there will be a \$250 fine and they would stop them from demolishing the building because of the ruling of the Council. If the person demolishing the building refuses and continues to tear the building down, then in his opinion, that would be obstruction of a Law Enforcement Officer. There is a charge associated with that. Tim Tanner, City Attorney, stated that if there was a Stop Work Order and they went out there then we could issue some type of injunction through Municipal Court. If they continue to violate that they would be in contempt of Court. The Judge could then deem what she saw fit which could be further fines or incarceration.

Mayor Gayle stated there are three options on this before a motion is made. Council may choose from one of the following three options: (1) Uphold the Commission's determination upon finding that the Commission did not abuse its discretion in reaching its decision; (2) Reject the Commission's determination upon finding that the Commission abused its discretion in reaching its decision; or (3) Return the matter to the Commission for reconsideration only if new information is presented to City Council during the appeal hearing that directly relates to the Commission's decision.

Councilman Carroll stated that they have yet to have any case presented before us that indicates that the HPC abused its powers. The determination of whether we personally believe that this is an eyesore or not or whether it is a contributing structure or non-contributing structure is irrelevant. The decision before Council is whether or not the HPC abused its powers in the execution of its duties regarding this case of which we have clearly determined they did not.

**A MOTION** was made by Councilman Carroll to deny the appeal of the decision on a Certificate of Appropriateness by the Valdosta Historic Preservation Commission for demolition of a building located at 902 North Ashley Street. Councilman Norton seconded the motion. Councilman Yost stated that he asked questions because he thinks the system is broken. The fine system is not high enough to prevent someone from destroying a historic structure whether he likes it or not. He is personally not sure of the contribution of the building except for the fact that the HPC went back through it to show the history of it. The building has changed so much that he is not sure that it is a great structure and contributes to a beautiful Downtown area. He agrees with Councilman Carroll in that they are not voting on that. He would vote that the HPC did exactly what they should do, but Council needs to have some discussion in the future about those parameters and look at making some changes. Their hands are tied tonight but they should not be tied. Councilman Carroll stated that there are several buildings in Downtown Valdosta that were in very poor shape and one of those had the roof had totally collapse. The owner of that property could have easily torn it all down and started from scratch; however, she had vision, integrity, and a desire to make the Historic District and the Downtown area a much better place. Today we have Birdie's Market in that location. That building was in far worse shape than this building is in. Sometimes you have to scrub a little scrub on them and get the dirt off, but they can come up and shine like a pretty new penny. Councilwoman Tooley stated that the wording of the Ordinance is strict and it does not give enough leeway for certain implications and things going on for the HPC to make a decision. There is a safety issue versus change. It is no fault of the HPC but the wording of the Ordinance should be changed. If one thing is already not fixed, then they should not continue to follow in that area. She understands what Councilman Carroll is saying about one person fixing something in the District because one businessman decided to do that; however, all businessmen do not look at it that way. Everybody has their own visions and we understand that. They should make some adjustments to the Ordinance but that will have to happen at a later time. Councilwoman Tooley stated that she will not be voting for it. Tim Tanner, City Attorney, stated that for clarification of the record, Council is voting to deny the appeal which would be upholding the HPC's determination. Mayor Gayle stated that was correct. The motion was tied (3-3) with Councilman Vickers, Councilwoman Tooley, and Councilwoman Miller-Cody voting in opposition. Mayor Gayle stated that he has been in this building numerous times over the years and quite honestly, his feeling is that the building has not been maintained and kept up. It is not the original historic building that it was. It has been painted and the building next door is red brick and is a beautiful historic building. The door on one side of the building has been changed where someone put some stone around it and installed a modern glass door. None of these things have ever been noticed. One of his main things is to make sure that they change Ordinances to reflect today's situations and times. Because of all those reasons, Mayor Gayle broke the tie and voted Nay to the motion. The motion failed (3-4).

Mayor Gayle stated that they do need to take action on this item.

A **MOTION** was made by Councilman Vickers to grant the request of the applicant to demolish the building because it has outlasted its usefulness. Councilwoman Tooley seconded the motion. Councilman Yost stated that he appreciated what Councilman Vickers said in his motion and what the Mayor stated, and he agreed with them that the building did not look good and he was not sure that the building should not be torn down; however, that is not the issue. The issue is exactly what was stated and that is whether the HPC abused their authority. The HPC did not abuse their authority because they went by what we have in place. This body helped to put it in place. Mayor Gayle stated that they voted on the motion to uphold the decision of the HPC and that was defeated. Councilman Yost stated that he understood that but he disagreed with the Mayor's reasons for voting on it because that was not what they were voting on. You just told those people sitting right there that they abused their power. They did not abuse their power per the regulations. Mayor Gayle stated that he felt they should have been willing to work with the applicant a little more. This building is not going to change. If it stays there it will stay vacant, continue to be dilapidated, and eventually fall in and something needs to be done with it. Councilman Yost stated that he did not disagree with the Mayor or Councilman Vickers or the others, but this is where they have to go back and fix this. Mayor Gayle agreed with that. Councilman Yost stated that was not what they were asked to do tonight. Mayor Gayle stated that they voted that motion down but they have to take action on this item which is what the City Attorney has advised to do at this time. Councilman Vickers called the question. Tim Tanner, City Attorney, stated that the motion made by Councilman Vickers is to reject the HPC's determination. Councilman Vickers stated that his motion is to grant the request of the applicant so that they can tear down the building. The motion did not say anything about them violating something. They are the Council and they set the rules. They should not have 20 years ago tied to Council hands. They are elected to set policies and make decisions and he called the question. The motion was tied (3-3) with Councilman Carroll, Councilman Norton, and Councilman Yost voting in opposition. Mayor Gayle broke the tie and voted in favor of the motion. The motion passed (4-3).

## **BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES**

Consideration of bids for limited, contractual right-of-way maintenance services for the City of Valdosta.

Richard Hardy, Public Works Director, stated that the Public Works Department is in need of right-of-way mowing service assistance in several areas throughout the City. This includes mowing, edging, litter pick-up, and removal of grass clippings from streets and sidewalks. This is an annual contract with renewal options. The City used the services of Diversified Industries and Urban Environmental as a trial period during the month of October, 2016. During that time, the services provided by both were rated satisfactory. Sealed bids were received August 16, 2016 with the low bids submitted for Zone A by Diversified Industries in the amount of \$4,142 and Zone B in the amount of \$4,398; however, when Diversified Industries went back and reviewed the requirement for Zone B, they realized that they could not service the route for the bid amount they submitted. The next lowest bid for Zone B was submitted by Urban Environmental Services in the amount of \$12,000. Richard Hardy recommended that Council approve the low bid submitted for Zone A by Diversified Industries in the amount of \$4,142 and the next lowest bid submitted by Urban Environmental Services for Zone B in the amount of \$12,000 and allow the City to contract with them for the time period specified. Councilman Vickers stated Madison Avenue and Griffin Avenue are State routes and they are not included in these Zones. Richard Hardy stated that was correct. They looked at those areas and based on the funding they went with other areas. As they move forward, though, they will take another look at Madison Avenue and Airport Road. Mark Barber, Assistant City Manager, stated that this will free up our own Staff time so we can hit those areas more often. Councilwoman Tooley inquired as to how they determined which areas would be done. Richard Hardy stated that they looked at the funding that was available and as those areas are contracted, it will free up manpower so they can concentrate on other areas that are not being mowed by the contractor. Mark Barber, Assistant City Manager, stated that another reason they intentionally chose West Hill Avenue and East Hill Avenue was because that is a State route and property owners do not have to mow the right-of-way. It was their intention to have the contractor come in and mow the right-of-way. Councilwoman Tooley stated that all of the contracted areas are entrances into the City. She was looking at East, West, North, and South and notices that the South side was not included. Mayor Gayle stated that South Patterson Street was included all the way to the bridge. Mark Barber stated that this contract will take us through June 30, 2017 and you will see this again when they start to present the budget. They are doing this because West Hill Avenue is the biggest time consumer and it will free up City Staff to keep up some other areas. We are hitting areas every three to four weeks and that is the best they can do during growing season and these contracts are weekly.

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the low bid submitted for Zone A by Diversified Industries in the amount of \$4,142 and the next lowest bid submitted by Urban Environmental Services for Zone B in the amount of \$12,000 and allow the City to contract with them for the time period specified for limited, contractual right-of-way maintenance services for the City of Valdosta.

### **CITIZENS TO BE HEARD**

Gretchen Quarterman, 6565 Quarterman Road, stated that she was excited to hear that Council would be reviewing the City Ordinances and asked that Council consider adding something to the Ordinances this year. In the State House, there were a couple of Bills (HB 387 and HB 388) about coal ash that did not make it out of Committee. These Bills would require public notification if Georgia Power has to close any or all of their 29 coal ash ponds and get rid of 8-10 million tons of coal ash. Georgia Power has urgency to get rid of this poison. Coal ash contains mercury, arsenic, beryllium, and lots of other horrible stuff. We already have enough water problems around here and we do not need to add to it that we are poisoning our own water by taking coal ash into our landfill. Ms. Quarterman asked that the Mayor and Council to add the Ordinance review at the Retreat because Valdosta is not interested in having coal ash added to our landfill. There is already some coal ash in the landfill and she would like to know what else has gone into the landfill and if we could be notified when coal ash comes to the landfill. Ms. Quarterman stated that there is not a State law saying that they have to notify us and inquired as to whether there could be a local law that says we get to be notified when poison comes to our landfill. Also, that Legislation was referred to a Study Committee and if Council could help to get Representative Dexter Sharper on that Committee then their voice in south Georgia could be heard.

Sally Turner Querin, 1120 North Lakeshore Drive, stated that she was a new member of the Historic Preservation Commission and a citizen of Valdosta. The Historic District was not established until 1980 so the way the building looks now is very different. It was built as a companion building for the other brick Foremost Dairy building right across the street. The front of the building was on Williams Street and not Ashley Street. It is also located at the edge of the Valdosta State University (VSU) campus and VSU only has south and east to move forward. Ms. Querin stated that they will possibly be looking at those areas for development in the future. The original request was to demolish the historic part of the building and the two-bay garage (modern addition) was not part of that request. All that will be left is a two-bay garage with a parking area on Ashley Street. She had hoped that it would come up again for them to demolish the two-bay garage and maybe they could build something that would be nice and beautiful on Ashley Street. Also, she appreciated the comments of Councilman Yost and the point where something goes back and forth in the appeal process. They may need to have structural assessments done on buildings in the future so that they can better gauge what is involved in the renovation or restoration of these buildings.

Eric Howard, 2519 Deborah Drive, stated that he wanted Council to take time and think back to when they decided to purchase a house. Some of us decided to purchase a house close to the City because they were going to be active with their children and taking them back and forth while some people decided to build a house in the country. They may have wanted to be close to the river where they could fish or teach their children and grandchildren to swim; however, if you purchased a house right down the street in Florida, then wastewater is going down there over and over again. Every time we get two or three inches of rain there are spills. Mr. Howard asked Council to think about the situation. Mayor Gayle stated that he would be glad to meet with Mr. Howard to let him know what is being done.

George Boston Rhynes, 5004 Oak Drive, stated that he was on Facebook today and there was a dead cat on the highway. There was a circle of turkeys walking around the cat like it was a religious ceremony. Many people across the nation were commenting on it and wondering what was going on. It seems to him that the divine source may be telling us, "Can't we all just get along? Can't we all just have a little love for one another? Can't we just look at life and death as one day we are going to cross that same City Hall?" It touched him because he covers a lot of cities and counties in what he does and he came here this evening to thank Council for serving the City in their elected positions. He is working cities where there are at least three Council people and a civilian who died from the stress that was thrust upon them. One of the Quitman Ten plus two others have also passed away because she was under stress. He can only imagine what Council goes through. He sits down with people who drink coffee



with him even though they don't agree with him. They often criticize the work that Council does and he does too sometimes; however, there are times when he does let up. Mr. Rhynes stated that he does appreciate what Council members are doing and he thanked them for their service because a lot of the people who put them down for the work they may or may not be doing will not even run for office.

J. D. Rice, 501 Knob Hill, stated that he wanted to find out if in fact they are bringing hazardous waste to our landfill. It is not permitted for that and he has been told that they are bringing material from Ware County and dumping it in the landfill. If they are doing that, they are in violation of the Environmental Protection Agency Super Fund Act. He is very concerned and they need to let us know what they are bringing to the landfill so we can stay on top of it. He also wanted to echo what Mr. Rhynes stated. He applauds Council for the truck bypass proposal but he did not want it to be placed on Savannah Avenue.

John Quarterman, 6565 Quarterman Road, stated that he is President of the WALs Watershed Coalition and since December, 2016, they are also known as the Suwannee River Keepers. They deal with rivers all the way to the Gulf. One of the reasons that WALs was formed in 2012 was because of the Valdosta wastewater situation. There were many complaints coming from counties in Florida. He has obtained four Resolutions from Florida counties downstream and he had nothing to do with getting these Resolutions passed. They are specifically talking about when the Florida Department of Health issues public health advisories it results in warnings being posted at all public access areas along the rivers stating that it is not safe for basically any use. This is a big problem for these counties downstream. The reason a lot of people live there is the Suwannee River. They want the State of Florida to step in. He has heard from Valdosta Staff that it is cleaner downstream from the Wastewater Treatment Plant than upstream. What if the contamination is coming from some other source? What if the State of Florida institutes and pays for regular water quality monitoring regularly and not just when there is a spill and space it out along the river so they can find out where this stuff is coming from? He would also like to recommend that Valdosta consider adding an independent third party for water quality monitoring. There are also three more Resolutions that either have been passed or will be. Mayor John Gayle stated that we are monitoring that situation continuously right now and it proves that we are right. The water that comes from the north end of the County is dirtier than the water that leaves the Wastewater Treatment Plant area. When that water gets to the State line, it picks up, as you can imagine, fertilizer, animal feces, and other things and it is much dirtier than when it leaves our Plant. We are doing everything we can to ensure that we have all of our information correct. Mr. Quarterman stated that he understands that; however, they know you said it was fixed last summer but there are still spills so there is a credibility issue. Mayor Gayle stated that we had one problem with the new Wastewater Treatment Plant which was not our fault. We spent \$58 million on the Plant and the people who designed and built it were at fault. They have corrected it so that will not be a problem in the future.

William Worstell, Thomas County, stated that we burn 105 billion tons of coal annually and 55% of that goes through a bag house which is where they catch the residues and a cat house which is a catalytic converter. Those residues are used in concrete construction making blocks and asphalt. We need to worry about bottom ash. Out of that 105 billion tons of coal burned annually, 109 tons contain mercury, 7,884 tons contain arsenic, and 1,167 tons contain selenium. Albany does not have a solid waste permit so they are shipping their coal ash to Valdosta. Coal ash has been deregulated down to a solid waste and it is not a hazardous waste anymore. There is hazardous waste being dumped into the landfill in Valdosta. Mayor Gayle stated that the landfill in Valdosta is owned by a private company and we dump there just like everyone else. We will bring that to their attention though.

## **CITY MANAGER'S REPORT**

Mark Barber, Assistant City Manager, stated that Sustella Avenue will be closed next Tuesday for some road repair close to the bridge.

The Mayor/Council Retreat will be held on March 17-18, 2017 at the Lenox River Ranch in Lenox, Georgia. The Retreat packet will be sent out tomorrow.

The Azalea Festival will be held on March 11-12, 2017 at Drexel Park. The City will have a booth and will be passing out information to citizens.

The paving for the Martin Luther King, Jr. Project was completed and they will be moving on to the next phase which will be decorative lighting with Georgia Power.

The next Bulk Trash Amnesty Day will be held on April 22, 2017 at the four locations that were previously selected. This has turned out to be a very successful program. We are going to add the collection of tires this time which has been requested. There will be a restriction of four tires per person because there is limited storage capacity at Public Works on Myrtle Street.

### COUNCIL COMMENTS

Councilman Yost stated that he wanted to commend the Hospital Authority for asking their CEO to step down. It was a year ago this month that he brought this item to the Council at the Retreat. They have had some major changes in their administration and he commends them for that; however, they need to look in the mirror and see the mud on their own faces and resign. They have allowed everything that has happened to happen and they played the two administrators who were fired as the patsy. They had to approve everything that happened in that hospital under those two gentlemen's watch. He will state one more time that every member of the Hospital Authority, both City and County, need to resign and that should clean the house and take care of the business at hand and make the hospital work for the people of the City and County.

Councilman Carroll stated that he could not help, especially considering that we have some brave public servants sitting in the audience tonight, to say this but in his experience over the last nine or ten years that he has been in this seat, this makes the third time that we have told those diligent, hard-working souls that their opinion and adherence to the Codes that have been adopted do not mean a thing. We have politicized three times on different issues involving the Historic Preservation Commission and it has been his experience that whenever you use politics to make policy decisions and look long term, you typically get the short end of the stick. Personally, he is surprised that they have not all resigned because it would certainly demoralize all of their efforts in time and training and learning all there is to learn about historic preservation and how you go about doing it. Councilman Carroll stated that he is going to shut up and say thank you for all that they do and he is sorry that sometimes politics get in the way.

### ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

**A MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the March 9, 2017 Meeting of the Valdosta City Council at 6:47 p.m. to meet again in Regular Session on Thursday, March 23, 2017.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta