

**MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, NOVEMBER 7, 2019
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: Tim Carroll, Ben Norton, Sandra Tooley, Eric Howard, and Andy Gibbs. Councilman Joseph "Sonny" Vickers and Councilwoman Vivian Miller-Cody were absent. The invocation was given by Dr. Robby Foster, Northside Baptist Church, followed by the Pledge of Allegiance to the American Flag was led by Boy Scout Dillon Williams.

AWARDS AND PRESENTATIONS

PRESENTATION OF THE NOVEMBER, 2019 EMPLOYEE OF THE MONTH AWARD

Police Chief Leslie Manahan stated that Christopher Hicks began his career with the Valdosta Police Department in June of 2011 and currently holds the rank of Detective. Detectives are responsible for conducting criminal investigations to identify and apprehend offenders. On August 28, 2019, Lieutenant Kyle Salter was notified by Detective Jason Woods that Detective Kaitlyn Hardy and Detective Chris Hicks were conducting a follow-up criminal investigation at a local convenient store. Detective Hicks observed three minor children outside the store. Detective Woods advised that the children appeared to be attempting to offer to perform labor at the hair salon next door for money. Detective Woods explained that he and Detective Hardy entered the store while Detective Hicks approached the children outside. Detective Woods related that moments later, all three children entered the store and selected drinks, snack cakes, chips, and candy. Detective Woods stated that Detective Hicks then purchased the items for said children which totaled approximately \$30. Upon learning this, Lieutenant Salter later contacted Detective Hicks and inquired of the encounter. Detective Hicks stated that after speaking with the children, it was obvious that they were attempting to get money and might be hungry. Detective Hicks advised that he was aware that many children often are not able to receive enough food each day and, therefore, he offered to allow these three minor children the opportunity to select whatever they wanted in the store to eat. As a Law Enforcement Officer, it is their sworn duty to serve the public and Detective Hicks truly reflects his commitment to the community. The kindness shown by Detective Hicks to these children helps shed a light to the public on the mission of the Valdosta Police Department and the City of Valdosta. It is for these reasons and many others that the Employee Relations Committee nominated Detective Christopher Hicks as Employee of the Month.

APPROVAL OF MINUTES

The minutes of October 24, 2019 were approved by unanimous consent (5-0) of the Council.

PUBLIC HEARINGS

ORDINANCE NO. 2019-19, AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR A PERSONAL SERVICE SHOP (WAXING SALON) IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT

Consideration of an Ordinance for a Conditional Use Permit for a Personal Service Shop (Waxing Salon) in a Residential-Professional (R-P) Zoning District as requested by Mara Adams (File No. CU-2019-06). The property is located at 2918 North Oak Street. The Greater Lowndes Planning Commission reviewed this request at their October Regular Meeting and recommended approval (10-0 Vote) with two conditions.

Matt Martin, Planning and Zoning Administrator, stated that Mara Adams is requesting a Conditional Use Permit (CUP) for a Personal Service Shop (Waxing Salon) in a Residential-Professional (R-P) Zoning District. The property consists of 0.42 acres located at 2918 North Oak Street which is along the west side of the street approximately 400 feet south of Smithbriar Drive. The property contains a professional office building (4,333 square feet) that was constructed in 2015 and consists of three tenant spaces. The applicant is proposing to only occupy Suite A which is one of the small tenant spaces (approximately 600 square feet) in the front corner of the building. Suite B is occupied by Bush Wealth Management, who is also the landlord, and Suite C is currently

vacant and available for rent. The applicant and her business partner are proposing to each operate as two independent estheticians and they will share the same 600 square foot space. They will only see clients "by appointment only" as described in their Letter of Intent. The property is located within a Community Activity Center (CAC) Character Area on the Future Development Map of the Comprehensive Plan. It is also across the street to the west from the Urban Commercial Corridor Overlay District (UCCOD) which runs along the North Patterson and North Ashley Street corridors. All of these properties were originally zoned and developed as single-family homes from more than 40 years ago. Over the years as more of the Five Points area developed with commercial uses and traffic on North Oak Street increased, each of these properties along the west side of North Oak Street were rezoned to R-P and redeveloped as mostly offices. The subject property itself was rezoned to R-P many years ago. In 2014, the property was acquired by the owners of Bush Wealth Management who received a Conditional Use (CUP) approval from the City that same year for a Financial Institution Brokerage Office. Bush Wealth Management occupies the main tenant space which comprises about 75% of the building. The other two tenant spaces are very small (each about 600 square feet) and located at the front corners of the building. The site is currently completely built-out and there are no proposed changes to the existing building or the site layout. The only general concern with Personal Service Shops is that they can sometimes generate more traffic demand than that of professional offices, and this site only has three extra parking spaces above minimum code requirements. However, in this particular case, the proposed use is a Waxing Salon with only two technicians that would occupy a very small portion of the building and see clients by appointment only. Also, the existing financial office seems to regularly utilize less than 75% of the total parking on site. Therefore, it would seem unlikely that there would be a parking problem by adding the proposed use as long as it remains small in scope and specifically approved as being requested by the applicant. Otherwise, it is believed that other forms of Personal Service Shops (such as a barbershop or hair salon) might generate a bit more traffic and overload the site. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the following conditions: (1) Approval shall be granted in the name of the applicant only, as one of the licensees for a Personal Service Shop in the form of a Waxing Salon. The use shall not occupy more than 600 square feet of the existing building. (2) Conditional Use approval shall expire after two years from the date of approval if no Business License for the approved use has been requested by that date. The Planning Commission reviewed this at their October 28, 2019 Regular Meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to the same two conditions as recommended by Staff (10-0 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** was made by Councilman Carroll to approve an Ordinance for a Conditional Use Permit (CUP) for a Personal Service Shop (Waxing Salon) in a Residential-Professional (R-P) Zoning District as requested by Mara Adams with the following conditions: (1) Approval shall be granted in the name of the applicant only, as one of the licensees for a Personal Service Shop in the form of a Waxing Salon. The use shall not occupy more than 600 square feet of the existing building. (2) Conditional Use approval shall expire after two years from the date of approval if no Business License for the approved use has been requested by that date. Councilman Norton seconded the motion. The motion was unanimously adopted to enact Ordinance No, 2019-19, the complete text of which will be found in Ordinance Book XIV.

ORDINANCE NO. 2019-20, AN ORDINANCE TO REZONE TWO PARCELS TOTALING 0.59 ACRES FROM CONDITIONAL MULTI-FAMILY RESIDENTIAL (R-M)(C) TO SINGLE-FAMILY RESIDENTIAL (R-10) ZONING

Consideration of an Ordinance to rezone two parcels totaling 0.59 acres from conditional Multi-Family Residential (R-M)(c) to Single-Family Residential (R-10) as requested by the City of Valdosta (File No. VA-2019-07). The properties are located at 405 and 407 Pine Tree Road. The Greater Lowndes Planning Commission reviewed this request at their October Regular Meeting and recommended approval (8-2 Vote).

Matt Martin, Planning and Zoning Administrator, stated that the City of Valdosta is requesting to rezone two parcels totaling 0.59 acres from conditional Multi-Family Residential (R-M)(c) to Single-Family Residential

(R-10). The properties are located at 405 and 407 Pine Tree Road which is along the south side of the street approximately 200 feet east of Azalea Drive. This is immediately west of the properties which were rezoned this past July for a proposed apartment complex (File No. VA-2019-03). Each of the current subject properties contain an existing single-family residence as rental property. The City is proposing to return these two properties back to their original R-10 Zoning as existed on these properties prior to the 2014 rezoning for a much larger apartment complex that never came to fruition. The properties are located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-10 Zoning. The current conditions of approval for the existing R-M Zoning are as follows: (1) For multi-family development, combine all parcels of land into one lot. (2) From Pine Tree Road, minimum setbacks shall be at least 30' for buildings greater than one story, and 100' for buildings greater than 2-story. (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 Pine Tree Road. There shall be no vehicular or pedestrian access to Pine Tree Road. (4) Structures abutting the Pine Tree side (4 existing parcels area, about 1.34 acres) shall be no more than 2 stories tall. Since 2014, each of the other six properties have been rezoned again to allow individual apartment complexes to be developed, each of them with different conditions of approval or with no conditions at all. The most recent of these occurred in July with the rezoning of the three parcels to the east and southeast (Joe Nijem, File No. VA-2019-02). As a result, these two properties along Pine Tree Road will now be physically isolated in terms of site design from the now smaller apartment complexes to the east and south. These two properties were originally rezoned and planned to be part of a much larger apartment complex that never came to fruition, and they are all that remain of that previous decision. The conditions of approval that were placed on them in 2014 still remain in full force and effect today. Because of these zoning conditions, particularly Condition (3) which prohibits pedestrian or vehicular access to Pine Tree Road and requires solid fencing along the street frontage, the existing Single-Family Residential design of these properties is nonconforming. Therefore, the current zoning of these last properties is both illogical and misleading as depicted on the current Zoning Map. Any redevelopment of these properties will now require their own separate rezoning approval, regardless. Also, because they were once planned to be part of a larger apartment complex that never materialized and they are still developed as Single-Family under the same original pattern as the adjacent neighborhood, their proposed future usage as apartments may no longer be considered compatible or appropriate. Section 242-4(A)(1) of the Land Development Regulations (LDR) states that proposed amendments to the Official Zoning Map (a Rezoning request) "....may be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property, by majority vote of the members of the City Council, by the Planning and Zoning Administrator, or by recommendation of the Planning Commission." This is the same kind of language that has existed in all prior Zoning Ordinances of the City, as well as Ordinances in other communities in that it grants authority to the City Council to "initiate" the Public Hearing process for possible rezoning of any properties in the City. The actual decision of whether or not to change the existing zoning, would then be made at a future advertised Public Hearing just like any rezoning request submitted by a private property owner. Although this procedure is not common, it has been used numerous times in the past, particularly in the case of a neighborhood-scale rezoning or simply cleaning up an irregular or misleading pattern on the Zoning Map. In this case, the two owners of the subject properties were each sent as separate letter in August by Councilman Andy Gibbs announcing the City's contemplation of initiating this rezoning process and soliciting their input. One of the property owners did not respond and the other responded with a desire to keep the R-M(c) Zoning but did not fully understand the meaning of the conditions. The City Council then voted unanimously on September 19, 2019 to formally initiate this rezoning process. As part of the official review and advertisement, Staff sent each of these same property owners an official "Notice of Public Hearing" via certified mail. 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 October 28, 2019 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval (8-2 vote).

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Gibbs, seconded by Councilman Howard, was unanimously adopted to approve Ordinance No. 2019-20, an Ordinance to rezone two parcels totaling 0.59 acres from conditional Multi-Family Residential (R-M)(c) to Single-Family Residential (R-10) as requested by the City of Valdosta, the complete text of which will be found in Ordinance Book XIV.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a new Lease Agreement with Dell Computers for in-car computers for the Valdosta Police Department.

Police Chief Leslie Manahan stated that the Valdosta Police Department, like other Law Enforcement Agencies, utilize in-car computers for completing reports and other activities in the field. Those activities include but are not limited to police reports, accident reports, field interviews, computerized traffic citations, in-car camera operations, crime analysis mapping, and communications through computer-aided dispatching with the Lowndes County 911 Center. Over the past five years, in order to address the overall cost of these computers, and to maintain functionality, the City of Valdosta has entered into several Lease-to-Own Agreements with Dell Computers for Police in-car computers. Because technology is changing and evolving extremely fast, by the time new in-car computers are a few years old, they are already out-of-date and cannot keep up with current technology demands, especially in the area of public safety. In addition, computers installed in vehicles are subject to extremes of temperature. The Police Department currently has 30 computers that were purchased through a Lease-to-Own Agreement in 2015, along with an additional 30 computers that were purchased through a Lease Program in August of 2016. These two groups of computers represent over half the in-car computers maintained by the Department and they are no longer covered under warranty. As these computers are failing, the Police Department must purchase replacement parts and pay for repairs. This new Lease Agreement is for 55 replacement in-car computers, which is over half of the overall number in the Department's fleet. The new Lease will negate the need to purchase replacement parts or pay for repairs. The Lease Agreement will include a full hardware and accidental damage warranty for a period of three years, with a yearly lease payment of \$37,232.01. Per our Purchasing Ordinance, State contracts are authorized to be utilized for City purchases. Dell is listed on the State contract as an authorized vendor. Further under the same Ordinance, the City has discretion when purchasing information technology equipment to include computers. Since Dell is a vendor the City has utilized for previous purchases, to include in-car computers and workstations, it is recommended that this request be approved. Chief Manahan recommended that Council approve the new Lease Agreement with Dell Computers for in-car computers for the Valdosta Police Department.

A **MOTION** by Councilman Norton, seconded by Councilman Carroll, was unanimously adopted (5-0) to approve the new Lease Agreement with Dell Computers for in-car computers for the Valdosta Police Department.

BOARDS, COMMISSIONS, AUTHORITIES, AND ADVISORY COMMITTEES

Consideration of appointments to the Central Valdosta Development Authority/Downtown Development Authority.

Mayor Gayle stated that the Central Valdosta Development Authority/Downtown Development Authority has three members, Michael Cooper, Rhett Holmes, and Mikki Hudson, whose terms will expire on December 31, 2019. All three members have expressed an interest in being reappointed. 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) Michael Cooper - Engineer, ASA Engineering, (2) Rhett Holmes - Owner, IDP Housing, and (3) Mikki Hudson - Owner, Jessie's Restaurant & Catering.

Mayor Gayle entertained a motion for appointments to the Central Valdosta Development Authority.

A **MOTION** by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (5-0) to reappoint Michael Cooper, Rhett Holmes, and Mikki Hudson to the Central Valdosta Development Authority/Downtown Development Authority to serve a term of two years.

Consideration of an appointment to the Valdosta-Lowndes County Construction Board of Adjustments and Appeals.

Mayor Gayle stated that the Valdosta-Lowndes County Construction Board of Adjustments and Appeals has one member, James D. Cone, whose term expired on June 30, 2019. Mr. Cone has expressed an interest in being reappointed. This appointment was advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The applicants are as follows: (1) James D. Cone - Self Employed, James D. Cone Architect, and (2) Marion Ramsey - Self Employed Contractor.

Mayor Gayle asked for nominations for an appointment to the Valdosta-Lowndes County Construction Board of Adjustments and Appeals.

Councilman Carroll placed into consideration James D. Cone. Councilwoman Tooley placed into consideration Marion Ramsey. There being no other nominations, Mayor Gayle closed nominations. James D. Cone received three votes and Marion Ramsey received two votes. James D. Cone was appointed to serve a term of three years on the Valdosta-Lowndes County Construction Board of Adjustments and Appeals.

Consideration of appointments to the Valdosta Housing Authority.

Mayor Gayle stated that the Valdosta Housing Authority has one member, Judy Hinton, who resigned recently due to personal reasons and whose term will expire on December 31, 2020, and Thompson Kurrie, Jr., whose term will expire on December 31, 2019. Mr. Kurrie has expressed an interest in being reappointed. 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) Brittany Bell - Teacher, Valdosta City Schools, (2) David Hiers - Owner/Partner, RST Construction, Inc., (3) Thompson Kurrie, Jr. - Attorney, Coleman Talley, LLP, (4) Thomas McIntyre - IT Technician, Barnes Health Care, and (5) Cynthia Scurry-Brooklin - Assistant Principal, Valdosta City Schools.

Mayor Gayle stated that he would appoint David Hiers to fill the unexpired term of Judy Hinton which expires on December 31, 2020 and he reappointed Thompson Kurrie, Jr. to serve a five-year term on the Valdosta Housing Authority.

Consideration of appointments to the Valdosta Tree Commission.

Mayor Gayle stated that the Valdosta Tree Commission has a member, Laura Yale, whose term expired on September 16, 2019, and a member, Tyler Tucker, who resigned due to personal reasons and whose term expires on September 6, 2022. Ms. Yale has not expressed an interest in being reappointed. These appointments were advertised according to the Boards, Commissions, Authorities, and Advisory Committees Policy that was adopted by Mayor and Council. The only applicant to apply was Jordan Taylor, Owner of Apex Tree Removal and Trimming.

Mayor Gayle entertained a motion to appoint Jordan Taylor to the Valdosta Tree Commission.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (5-0) to appoint Jordan Taylor to the Valdosta Tree Commission to serve a term of four years.

CITIZENS TO BE HEARD

There were no citizens to be heard.

CITY MANAGER'S REPORT

Mark Barber, City Manager, stated that the Maker's Market will be held on Saturday, November 9, 2019 from 10:00 a.m. to 2:00 p.m. at the Courthouse Square and they currently have 38 vendors.

The Annual Christmas Tree Lighting Ceremony will be held on Friday, December 6, 2019 at 5:30 p.m. in the grass lot located across the street from City Hall. This event will be a fun time for everybody.

The City of Valdosta Employee Thanksgiving Luncheon will be held on Friday, November 12, 2019 at the Rainwater Conference Center from 11:00 a.m. to 1:00 p.m. We are expecting 450-500 employees in attendance. The Mayor and Council are encouraged to attend.

The City of Valdosta Public Works Department and the Keep Lowndes Valdosta Beautiful organization will be hosting the Fall Electronics Recycling Event on Saturday, November 16, 2019 at Mathis Auditorium from 9:00 a.m. to 1:00 p.m.

COUNCIL COMMENTS

Mayor Gayle stated that the Mayor's Motorcade will be held on Wednesday, December 4, 2019 at 10:00 a.m. at Parkwood Developmental Center. There are donation boxes at Fire Station No. 1 and at City Hall on the first and third floor. Financial donations will also be accepted, and members of the Valdosta Fire Department will be glad to purchase gifts. This is a very special event and the patients at Parkwood Developmental Center are very appreciative of the gifts.

Councilman Carroll stated that he went shopping at the Main Street store where they have the wonderful VLD caps and the Shop Local T-shirts. Councilman Carroll encouraged the Council members and citizens to shop local first and then go on-line if you cannot find what you are wanting to buy. We need to support our businesses Downtown and throughout the City of Valdosta.

Councilman Howard stated that it is almost 2020 and it seems like we are still trying to get the voting process correct in the nation. He is not trying to be critical of it, but as elected officials and City leaders, they are tasked with trying to get people to come out and participate. When you start getting calls from people at 7:30 a.m. at the Mildred Hunter Center saying the backup machine is not working, or from people at Park Avenue where they only have five or six machines and there is a line out the door then something is not right. Also, Trinity Church did not open on time and the voting place Valdosta State University seemed like it was unorganized. It is hard for them to try and continue to get people to vote. In the past, people had to fight, bleed, sweat, and die for the right to vote and for it to simply be dismissed saying they will do better next time or to give you an answer just to get you off the phone is not fair to the candidates and their team. Early voting is a great tool, but it should not replace the tradition of people voting on election day. Some people pick up their parents and grandparents because they took them to vote when they were growing up so now, they are repaying the favor because their parents cannot drive. They may need to contact the Board of Elections to see if they need any help with training to ensure the voting process is done correctly. They had less than 10,000 people vote in the Municipal Election so if they cannot handle that, then there may be a bigger problem with the Presidential Election that will be held next year. We can do better, and we are going to get this right. Mayor Gayle stated that they were testing out the new voting machines along with several other communities. Evidently, the machine did not read the paper ballot when it was inserted in it. When he ran office eight years ago, there were 10,000 people who voted which is not good because that is a low percentage. This year there was only 6,100 people who voted, and it is a shame that people do not feel the need to go out and express themselves by the way of a vote. You never know how much your vote counts.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Howard, seconded by Councilman Carroll, was unanimously adopted (5-0) to adjourn the November 7, 2019 Meeting of the Valdosta City Council at 5:58 p.m. to meet again in Regular Session on Thursday, November 21, 2019.